



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 24th July, 2019

Time: 2.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chair: Councillor S Merifield

Members: Councillors G Bagnall, M Caton, P Fairhurst, R Freeman, A Gerard,
G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, A Storah
and M Sutton

Substitutes: Councillors S Barker, N Gregory, E Oliver, N Reeve, G Sell, M Tayler
and J De Vries

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements to the Committee subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

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To consider the minutes of the previous meeting.

**3 UTT/16/3565/OP - Land to the west of Bonningtons Farm,
Station Road, Hatfield Broad Oak**

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To consider application UTT/16/3565/OP

- 4 UTT/18/3529/OP - Land to the South of Braintree Road, Felsted 77 - 108**

To consider application UTT/18/3529/OP

- 5 UTT/19/0293/FUL - Land North of Chickney Road, Henham 109 - 128**

To consider application UTT/19/0293/FUL

- 6 UTT/19/0829/FUL - The Old Cement Works, Land Behind Thaxted Road, Saffron Walden 129 - 140**

To consider application UTT/19/0829/FUL

- 7 UTT/19/0427/FUL - Haydens House, Onslow Green, Barnston 141 - 154**

To consider application UTT/19/0427/FUL

- 8 UTT/19/0514/HHF - Wearn's Folly, 9 Carmen Street, Great Chesterford 155 - 160**

To consider application UTT/19/0514/HHF

- 9 Chief Officer's Report UTT/19/0391/FUL Land at Bury Water Lane, NEWPORT 161 - 172**

To note the contents of the Chief Officer's Report

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Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 26
JUNE 2019 at 2.00 pm**

Present: Councillor M Lemon (Chair)
Councillors G Bagnall, M Caton, P Fairhurst, R Freeman,
A Gerard, G LeCount, R Pavitt, A Storah and M Sutton

Officers in attendance: N Brown (Development Manager), J Doe (Planning Officer),
M Jones (Planning Officer), A Mawson (Democratic Services
Officer), L Mills (Planning Officer), E Smith (Solicitor),
C Theobald (Planning Officer) and C Tyler (Planning Officer)

PC11 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Loughlin and Merifield.

- Councillor Freeman declared a non – pecuniary interest as a member of Saffron Walden Town Council.
- Councillor Fairhurst declared a non – pecuniary interest as a member of Saffron Walden Town Council, and as Cabinet Member for Business, Economy, Jobs, Investment and Strategy; Youth Services.
- Councillor Gerard declared a non – pecuniary interest as Cabinet Member for Residents and Community Partnerships; Police and Emergency Services and as a member of Newport Parish Council. As a member of the 100 Parishes Society.
- Councillor LeCount declared a non – pecuniary interest as a member of Henham Parish Council.

PC12 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved and signed as an accurate record.

PC13 **UTT/ 18/ 2523/FUL– WESTONS YARD, CHELMSFORD ROAD, WHITE RODING**

The Planning Officer delivered the proposal to the Committee for the demolition of the existing buildings on the site and for the erection of seven new dwellings with associated access and landscaping.

The application was recommended for approval with conditions as laid out in the report.

In response to a member question the Planning Officer advised that the inclusion of the green field land was for drainage only and that this would be subterranean.

Councillors Bagnall, Fairhurst and Gerard raised objections in relation to the inclusion of the green field land and that they felt that the development was not linear in line with the aesthetics of the area.

The Development Manager advised the Committee of the dangers of refusing an application on brown field land that had been previously developed. There was discussion between officers and Members in relation to the development meeting the need that had been identified in the Strategic Housing Market Assessment (SHMA).

Councillor Bagnall proposed a motion for refusal of the application.

Councillor Gerard seconded the motion for refusal.

The motion was defeated.

Councillor Lemon proposed a motion for approval of the application.

Councillor Caton seconded the motion for approval.

RESOLVED to approve the application with the conditions laid out in the decision notice.

PC14 UTT/19/0946/FUL LAND EAST OF DUNMOW ROAD, AYTHORPE RODING

The Planning Officer presented the proposal for the Erection of five residential dwellings including two Starter Homes, the formation of new vehicular access and associated parking and landscaping.

The application was recommended for refusal.

In response to a Member question The Development Manager said that he had called the application in at his discretion as the pre-planning advice had been given by a former member of staff and that he wanted to give the applicant the opportunity of a fair hearing.

Councillor Caton proposed a motion for refusal of the application.

Councillor Pavitt seconded the motion for refusal of the application.

RESOLVED to refuse the application for the following reasons:

1. The proposal, by reason of the introduction of built form at a prominent site by a corner of a road junction, would result in significant harm to the character and appearance of the area by urbanising the site and its setting. The proposal would detract from the open and rural character of the site. As such the proposal is contrary to Policies S7 and GEN2 of the adopted Uttlesford Local Plan; Policy SP 10 of the Regulation 19

Uttlesford Local Plan; and, the provisions of the National Planning Policy Framework.

2. The proposal is not sustainable development in that it represents development at an unsustainable location, not within a settlement or other site boundary. The creation of residential properties at this site would require future occupiers to travel by car to services. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework; contrary to the adopted Uttlesford Local Plan Policy S7 and contrary to the Uttlesford Local Plan Regulation 19 version Policy SP10.

I. Coward and P. Calder spoke on the application.

PC15 **UTT/18/3369/FUL - LAND SOUTH OF OXLEYS CLOSE, STORTFORD ROAD, CLAVERING**

The Planning Officer presented the application for planning permission to erect 13 dwellings, with associated garaging, parking areas, private gardens, open space and landscaping. A new access off Stortford Road would lead to a new road serving the development.

The application was recommended for conditional approval, subject to S106 legal obligation.

Councillor Fairhurst said that he didn't like that the affordable housing was clustered together.

In response to a Member Question The Planning Officer said that there were 6 'affordable homes'; 2 shared ownership and 4 affordable rent.

The Planning Development Manager said that the site had been identified as a development site on the emerging local plan and that the biggest material consideration was that the application was approved on appeal in 2014 when Uttlesford had a five-year land supply, the difference was that in 2019 Uttlesford did not have a five-year land supply.

Councillor Storah said that he endorsed The Planning Development Manager's comments and he felt that there was a high chance of the decision being overturned on appeal without a five-year land supply.

Councillor Gerard stated that the application was clearly contrary to policy S7.

Councillor Storah proposed the motion to approve the application in line with the recommendations.

Councillor LeCount Seconded the motion for approval.

The motion for approval was defeated.

Councillor Gerard proposed the motion to refuse the application.

Councillor Bagnall seconded the motion for refusal.

RESOLVED to refuse the application for the following reasons:

1. The proposed development would result in the urbanisation of open countryside, thereby causing substantial harm to the rural character of the area in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (NPPF). In the context of paragraph 11 of the NPPF, this adverse effect would significantly and demonstrably outweigh the benefits of the proposal.
2. The application does not include a mechanism, such as a S106 legal agreement, to secure sufficient affordable housing, equating to 40% of the total number of dwellings. The proposal therefore conflicts with Policy H9 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

P. Robinson spoke on the application.

PC16 **UTT/19/0671/FUL FORMER MOLECULAR PRODUCTS SITE, MILL END, THAXTED**

The Planning Officer presented the proposal for the construction of eight apartments and associated landscaping. The relocation of a new build dwelling which had previously been granted planning permission (unit 25) and the relocation of a window within this dwelling.

The application was recommended for approval with conditions and section 106 agreement.

Councillor Freeman said that he was aware of the site and that the development was good and wanted to take the opportunity to ask that electric vehicle charging points were installed.

The Planning Officer confirmed that he had correspondence from the developer that stated that where properties were already constructed they could be retrofitted, and those with parking spaces next to the properties would be installed.

The Committee discussed the provision of open space for the apartments and the parking provision for the site.

Councillor LeCount proposed the motion to approve the application.

Councillor Gerard seconded the motion to approve the application.

RESOLVED: to approve the application with conditions as laid out in the decision notice.

Items 7 and 8 were debated together but voted on separately.

PC17 UTT/19/0362/FUL - BARN AT HILL HOUSE, CAMBRIDGE ROAD, QUENDON

The Planning Officer presented the application which sought planning permission for the conversion and the change of use of the building to a single dwelling. A proposed single storey extension, alterations, new access and gates are included.

The application was recommended for approval with conditions and section 106 agreement.

PC18 UTT/19/0311/LB - BARN AT HILL HOUSE, CAMBRIDGE ROAD, QUENDON

The Planning Officer presented the application which sought listed building consent for the conversion and of the building to a single dwelling. The development includes a proposed single storey extension and associated alterations.

The application was recommended for Listed Building Consent with conditions.

Following a question from Councillor Hargreaves the Planning Officer confirmed that the Conservation Officer had no objections.

Councillor Storah raised objections to the additional access to the site and proposed that a shared access be used to maintain the flint wall. He was also concerned about the new access and the reference to the use of the access in a 'controlled manner'. Both he and the Planning Development Manager said that this should be that the vehicles exit the access in a 'controlled manner in a forward gear'.

In response to a Member question the Development Manager said that the current classification of the land was 'garden land' and that granting this application would not lead to the loss of a listed building.

Councillor Gerard proposed a motion to refuse the application
(UTT/19/0362/FUL)

Councillor Fairhurst seconded the motion to refuse the application
(UTT/19/0362/FUL)

RESOLVED to refuse the application (UTT/19/0362/FUL) on the following reasons:

- 1 The loss of the boundary wall due to the introduction of the access and gates will result in harmful impact to the character of the conservation area. The development is not in accordance with ULP Policy ENV1 and the NPPF.

- 2 The proposed windows to the building will result in a significant loss of privacy and overlooking and overbearing impact onto the neighbouring properties private amenity space. The development is not in accordance with ULP policy GEN2 and the NPPF.

Councillor Gerard proposed a motion to refuse the application (UTT/19/0311/LB)

No seconder was found.

The Planning Development Manager advised the Committee that they could refuse the first application and still grant the listed building consent.

Councillor proposed a motion to approve the application (UTT/19/0311/LB).

Councillor Gerard seconded the motion to approve the application (UTT/19/0311/LB).

RESOLVED to approve the application (UTT/19/0311/LB).

N. Hargreaves, C. Williams and I. Abrahams spoke on the application.

PC19 **UTT/19/0391/FUL LAND AT BURY WATER LANE, NEWPORT**

The Planning Officer presented the application to vary conditions 2 (Schedule of plans) and 3 (Hard and soft landscaping works) of UTT/16/1574/DFO to allow amendment to the bund.

The application was recommended for approval with conditions.

Following a Member question the planning officer advised that the maximum steepness of the bund would be 1:3 and that access to the informal greenspace would be possible. The members were concerned about children having access to such a steep gradient.

Councillor Pavitt said that the developer was trying to negate the cost of moving the excess soil.

The Committee discussed the overbearing height of the bund and potential overlooking, as well as the loss of amenity and the degradation of the environment.

The Planning Development Manager advised the committee that if members were minded to refuse that he would come back in the next meeting with a reason for refusal.

Councillor Gerard proposed a motion to refuse the application.

Councillor Fairhurst seconded the motion to refuse the application.

RESOLVED to refuse the application. The details of the refusal would be brought before the Committee at the next meeting.

N. Clark and J. Emanuel spoke on the application.

PC20 **UTT/19/0966/FUL LAND SOUTH OF THE FARMHOUSE, OLD MEAD ROAD, HENHAM**

The Planning officer presented the proposal for the Variation of condition 11 (Removal of existing buildings) on UTT/18/3370/OP to read:

"Prior to occupation of the first dwelling of the development hereby approved in principle, all of the existing buildings shown coloured in green as number annotated on the 'buildings to be retained and demolished' plan drwg. ref. 218069 VOC 001 B dated 24/04/19 (i.e. Buildings 1-13) shall be demolished and any materials arising therefrom not used in the development permitted shall be removed from the site"

The application is recommended for approval.

Councillor Fairhurst proposed a motion to approve the variation to the conditions.

Councillor Gerard seconded the motion to approve.

RESOLVED to approve the variation to the conditions as per the recommendation in the report.

J. Salmon spoke on the application.

PC21 **UTT/19/0551/FUL - HAMMER HILL FARM, STANBROOK ROAD, THAXTED**

The Planning officer presented the application to seek the removal of an agricultural occupancy condition, condition 1 of planning permission DUN/10/64.

The application was recommended for unconditional approval.

Councillor Lemon proposed the motion to approve the application.

Councillor Fairhurst seconded the motion.

RESOLVED to approve the application.

J. Freeman spoke on the application.

PC22 **CHIEF OFFICERS REPORT UTT/19/0043/FUL - 25 LOOMPITS WAY,
SAFFRON WALDEN**

The Development Manager presented the report to the Committee with the recommendation that the Planning Committee confirm the resolution from Committee of 10 April 2019 to approve planning application reference UTT/19/0043/FUL subject to the conditions in the report.

Councillor Fairhurst proposed the motion to adopt the report.

Councillor Gerard seconded the motion.

RESOLVED to adopt the report as stated.

PC23 **CHIEF OFFICERS REPORT UTT/18/3293/FUL BRANKSOME, WHITEDITCH
LANE, NEWPORT**

The Development Manager presented the report in which the reasons for refusal for application UTT/18/3293/FUL were clarified.

The recommendation was that Planning Committee confirm the resolution from Committee of 5 June 2019 to REFUSE planning application reference UTT/18/3293/FUL for the following reason:

The proposal would exacerbate further the cumulative impact of development in Whiteditch Lane and Bury Water Lane resulting in significant detrimental harm upon matters of highway safety and harm to the rural countryside setting of the area contrary to Policies GEN1 and S7 of the Uttlesford Local Plan 2005 and Paragraphs 109 & 180 of the National Planning Policy Framework 2019.

Councillor Gerard proposed the motion to confirm the resolution as stated in the Chief Officer's Report.

Councillor Fairhurst seconded the motion.

RESOLVED to adopt the resolution as stated.

Meeting Closed 5pm

UTT/16/3565/OP – HATFIELD BROAD OAK

MAJOR

PROPOSAL: Outline application with all matters reserved, except for access, for community led mixed use development of up to 275 residential units, site for primary school, multi use games area, kick about area, flexible neighbourhood building (A1, A2, A3, A5, B1, D1 and D2 uses), car park, trim trail and dog walking circuit

LOCATION: Land to the west of Bonningtons Farm, Station Road, Hatfield Broad Oak

APPLICANT: R McGowan Limited

AGENT: Pomery Planning Consultants Ltd

EXPIRY DATE:

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adjacent to County Wildlife Site/Public Right of Way.

2. DESCRIPTION OF SITE

2.1 The application site is an agricultural field of approximately 17 hectares located to the south of the Flitch Way. There is a priority junction access point onto Station Road, constructed to implement a planning consent for a golf course and hotel complex. The Flitch Way has mature planting along the northern boundary of the site. There is a public right of way adjacent to the western boundary of the site, forming part of the Harcamlow Way.

2.2 Takeley Mobile Home park is located on the eastern side of Station Road, opposite the application site. Residential development in the parish of Takeley lies to the north of the Flitch Way. To the west and south are further arable fields. Hatfield Forest lies approximately 1km to the west of the site.

3. PROPOSAL

3.1 The proposal relates to an outline scheme with all matters reserved, except for access. The access provision for the site would be the existing junction created in respect of an extant consent for a golf course and hotel complex on a wider site.

3.2 The proposed scheme relates to residential development, described by the developer as community lead. The principle of development on this site has arisen from the aim of the applicant to provide additional facilities for the area, paid for by the construction of additional housing.

3.3 The scheme includes:

- A site capable of accommodating a two-form entry Primary School
- A multi-use games area (MUGA)

- A flexible building for A1, A2, A5, B1, D1 and D2 uses
- A car park to be used by users of the community building and by visitors to Takeley Football Club
- A kick-about area
- A Trim Trail
- A Dog Walking Circuit

3.4 The density of residential development would be 24.3 dwellings per hectare. No specifications of house types are indicated at this outline stage but are expected to be a range of sizes and tenures in accordance with adopted policies.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):

The application is accompanied by an Environmental Statement. The proposal is not a Schedule 1 development. The proposal does exceed the threshold criteria of Schedule 2 in that the site exceeds 5ha. A Screening Opinion was issued that concluded that there was not likely to be significant environmental impacts in isolation, but there were likely to be significant in-combination impacts in terms of ecology, in particular impacts on Hatfield Forest, heritage assets at Hatfield Forest, and highways, in particular Junction 8 of the M11. As such the application was submitted with an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5. APPLICANT'S CASE

5.1 The application is accompanied by the following documents:

- Environmental Statement (2011 Regulations)
- Non-Technical Summary of the Environmental Statement
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Phase 1 Desk Top Study Report (Contamination)

5.2 Comments from Planning Statement:

These proposals are genuinely community led in that they propose the construction of a multi-use games area, car park for the football club, kick-about area, trim trail, dog walking circuit and flexible neighbourhood building, alongside the provision of land for a two form entry primary school. This infrastructure is not proposed solely as mitigation to offset the impact of the development; it is proposed because the applicant wanted to create a high quality development for the community and to make the development as good as it could be. Not being a national housebuilding company, the applicant is not weighed down by shareholder expectations and has not had to pay residential land values to secure the site. These facts mean that there is more freedom to building in additional infrastructure. However, 275 homes are proposed, and these will impact on local resources and in order to mitigate that impact, the applicant expects to have to meet all usual policy compliant s106 contributions.

Such contributions are likely to include:

- Provision of 40% affordable housing
- A site of 2.1ha for a primary school
- Education contributions for Early Years, Primary and Secondary school places/transport
- Off-site highway works as required
- A crossing on Station Road
- Commuted sum for public open space

The levels of contribution required will of course be determined through consultation with statutory consultees when the application is submitted. The applicant will wish to review contribution levels once they are known to assess overall viability, however at this stage, it is anticipated that the development should be able to fund policy compliant levels of contribution.

6. RELEVANT SITE HISTORY

6.1 UTT/1159/01/FUL: Deletion of reference to drawing no 5400/20 in condition C.90E of planning permission UTT/1437/98/REN and insertion of B602/RevA (This involves revisions to the approved landscaping and layout proposals)
Approved

UTT/1158/01/DFO: Submission of reserved matters to discharge condition C.1.1. of outline applications UTT/1437/98/REN and UTT/1159/01/FUL for hotel and golf course development
Approved

UTT/1437/98/REN: Construction of 150 bed hotel, conference rooms, leisure suite, swimming pool, crèche, tennis courts, club house, 3 on course shelters, 2 x 18 hole golf courses, 1 executive course, ancillary works, landscaping and new accesses onto B183 and A120.
Approved

UTT/1260/91: Outline application for 150-bed hotel, conference rooms, leisure suite, swimming pool, crèche, tennis courts, club house, 3 on course shelters, 2 x 18 hole golf courses, 1 executive course, ancillary works, landscaping and new accessed onto B183 and A120
Approved

UTT/0984/88: Change of use from agricultural land to two 18 hole golf courses and practice facilities. Detailed application for erection of club house and one hundred bed hotel accommodation with conference and indoor leisure facilities. Construct new access onto A120 and car park facilities.
Approved

7. POLICIES

Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design

GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
ENV2 – Development affecting Listed Buildings
ENV4 – Ancient Monuments and Sites of Archaeological Importance
ENV5 – Protection of Agricultural Land
ENV7 – The Protection of the Natural Environment – Designated Sites
ENV14 – Contaminated Land
H9 – Affordable Housing
H10 – Housing Mix
LC3 – Community Facilities
LC4 – Provision of Outdoor Sport and Recreational Facilities beyond Development Limits

Supplementary Planning Documents/Guidance

Parking Standards
Uttlesford Local Parking Standards

National Policies

NPPF (2019)

Other Material Considerations

NPPG

Emerging Local Plan

Policy SP1 – Presumption in Favour of Sustainable Development
Policy SP2 – The Spatial Strategy 2011- 2033
Policy SP3 – The Scale and Distribution of Housing Development
Policy SP10 – Protection of the Countryside
Policy SP12 – Sustainable Development Principles
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H6 – Affordable Housing
Policy H10 – Accessible and Adaptable Homes
Policy TA1 – Accessible Development-+
Policy TA2 – Sustainable Transport
Policy TA2 – Provision of Electric Charging Points
Policy TA3 – Vehicle Parking Standards
Policy INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches
Policy INF4 – High Quality Communications Infrastructure and Superfast Broadband
Policy D1 – High Quality Design
Policy D2 – Car Parking Design
Policy D8 – Sustainable Design and Construction
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance
Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 – Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN12 – Protection of Water Resources
Policy EN13 – Minerals Safeguarding
Policy C1 – Protection of Landscape Character

8. PARISH COUNCIL COMMENTS

8.1 Hatfield Broad Oak Parish Council:

1 February 2017: Strongly object.

LOCATION:

- The site of the proposed development is within the parish of Hatfield Broad Oak (HBO) on the northern boundary three miles north of the village, in the predominantly rural Bush End Ward. Any development will therefore be isolated from and not likely to have any real engagement with the community and services of HBO.
- In 2011 HBO parish had a population of 1615, the great majority living in the south in the Village Ward. 495 households are recorded in the parish. This proposed development of 275 would increase the number of dwellings in the parish by 55% and would be remote from the community of HBO (three miles). It would not contribute to sustainable patterns of development in HBO parish.
- Takeley village is immediately to the north of the application site. The Flitch Way (a linear Country Park) forms the long-standing southern limit of Takeley.
- The application site lies outside the development limits of both HBO and Takeley and would be entirely reliant on the infrastructure and services of Takeley. These are already under severe pressure from the current surge of development and cannot meet existing and planned development needs. The site is unsustainable.

SCALE OF DEVELOPMENT

- Whilst this application suggests a development of 275 dwellings please note that the most recent SHLAA identified this site and adjoining land as capable of providing more than 800 dwellings.
- This extent of development is out of all proportion for this area of countryside and HBO parish. There is no expressed need for this scale of development in the current Adopted Local Plan (ALP).
- Development along the southern side of the Flitch Way should not be encouraged. HBO PC and particularly residents of Bush End fear that acceptance of this application could lead to a further spread of urban building following the line of current development north of the Flitch Way towards Hatfield Forest and south into agricultural land.

NEED FOR THE DEVELOPMENT OF THE SITE

- Under the new Uttlesford Local Plan (ULP), HBO is included in the category of Type A villages, i.e. “villages with a primary school with some local services e.g. village hall/pub/shop – suitable for a scale of development that would reinforce role as a local service centre” (ULP Pre-Submission Consultation 7 Spatial Strategy).
- HBO Parish Council, (HBO PC) through Hastoe Housing Association, has been seeking land in a better position in or around the village for a development of 10-12 units of affordable housing.
- HBO has no need of and cannot sustain a development of 275 dwellings or more.
- Takeley is one of eight Key villages allocated a collective total of 200 homes.

However, without any further allocations, on the basis of District commitment and completions Takeley is already contributing 654 homes to the ALP or 5% of the total 12,500 for 2011 – 2033. (GPL Report)*

- The SHLAA reported that if there is a proven need to allocate further significant development at Takeley, then the principle of breaching the long-standing southern limit of the Flitch Way would be justified. However
- firstly, there is no proven need for sites in this locality and secondly it is at least recognised that the Flitch Way is an important boundary. (GPL Report)
- The National Planning Policy Framework (NPPF) emphasises the need to take into account the ‘cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality’. Takeley is already contributing 654 homes to the Local Plan straining local facilities, infrastructure, transport, and health and education services beyond sustainability.
- Uttlesford District Council (UDC) is presently able to demonstrate a five year land and housing supply (PPWG Report and Presentation (12.7.16))

PLANNING POLICIES

- As above, Uttlesford District Council (UDC) is presently able to demonstrate a five year land and housing supply. (PPWG Report and Presentation) 12.7.16).
- Many of the conditions for refusal of application UTT/14/2306/OP for 180 dwellings on a similarly located site West of Canfield Road are applicable to the Bonnington Green site and should result in a similar decision. Especially relevant are:
The proposal is on the boundary of the Countryside Protection Zone and would destroy the open relationship of the zone and its connectivity to the countryside. As such the proposal represents significant harm to the CPZ and therefore does not accord with Policy S8 of the ULP 2005.
- The lack of safe and appropriate access for pedestrians and cyclists to the wider network and local facilities mean that this location is dependent on the private car and therefore the proposal does not represent a sustainable location as defined in the core principles of the NPPF and is not in accordance with Policy GEN1 of the Adopted Local Plan (ALP).

PROTECTION OF THE COUNTRYSIDE

- UDC planning policy recognises and seeks to protect the countryside’s “intrinsic character and beauty, its value for agricultural production and its biodiversity.” The proposed development at Bonnington Green is a greenfield site outside the development limits of both Hatfield Broad Oak and Takeley Parishes and therefore should not be under consideration.
- Under Policies NE1 & SP11 - Protection of the Countryside, development of this site would entail significant harm to the Countryside.
- The proposed site is on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way - a linear Country Park and Local Wildlife site.
- Policy C1 - Protection of Landscape Character - must also apply as the site is within the area of the Broxted Farmland Plateau category of the Landscape Character Assessment described as “a large open landscape with ... scattered trees along field boundaries with intermittent hedgerows. It is a landscape of wide-open views.” It is an area which has a moderate to high sensitivity to change.
- Bush End Ward is an area of agricultural land, with small hamlets and isolated dwellings, scattered trees and hedgerows and narrow twisting country lanes; it includes Hatfield Forest and Canfield Hart Ancient

Woodland.

- This development of at least 275 houses will entirely alter the character of the area severely compromising agricultural land and open views, and replacing a settlement pattern of scattered dwellings with a significant new urban built-up area.
- The Harcamlow Way runs to the west of the site and the proposed development will be visible from it. Views of Hatfield Forest from the B183 will be lost.
- Hatfield Forest, the District's largest SSSI and a National Nature Reserve, is "an important recreational resource for Uttlesford residents and is a strategic area of green infrastructure which it is important to protect". The Forest is already under considerable pressure from the increased numbers of visitors. The National Trust calculates that half their foot traffic comes into the Forest from the Flitch Way. Areas have been severely eroded by overuse and events have had to be scaled down and areas closed to allow the land to recover. The area is in danger of losing its SSSI status. Residential development so close to the Forest and on the scale suggested can only increase the damage to this nationally important area.
- Flitch Way: The sites are on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way. The Flitch Way itself and the proposed site to the south provide corridors for migration of wildlife by woodland and hedgerow in the south to Hatfield Forest and east/west from Dunmow to Hatfield Forest. These corridors are vital to deer and other mammals, insects and birds. There is a great need for wildlife corridors in maintaining viable populations that would otherwise suffer as a result of fragmentation and isolation.
- The developers propose a dog walking circuit to draw residents away from using Hatfield Forest. This appears to incorporate the Flitch Way into the circuit with entrances included in the design. The Flitch Way is a linear Country Park and a Local Wildlife Site and should be protected from the impact of extra traffic from 275 houses. The Flitch Way is totally unsuited for use as a pedestrian way into Takeley and the embargo on extra entrances onto the Flitch Way applied to other new developments must be applied here.

COMMUNITY-LED

- This is not a 'Community led' housing proposal. The community (apart from Takeley FC) has certainly not been 'integrally involved throughout this process'.
- The applicants met HBO PC informally in November 2015 and serious concerns were voiced by us about the proposal.
- A public exhibition was held in Takeley at Priors Green Community Centre, not, as would have been expected, in Hatfield Broad Oak. It is claimed that 1000 flyers were issued – not one was received in Bush End. 74 people attended the Exhibition (including invited District and Parish Cllrs) and 37 people filled in the questionnaires. 64% of the respondents objected to the proposal.

SUSTAINABILITY

- The Planning Statement makes claims to economic sustainability under NPPF guidelines.
- The location does not promote the use of sustainable modes of travel nor safe and suitable access to the site and is not consistent with NPPF

guidelines:

Pedestrians

- Access to bus services and Takeley village is by the single footpath on the east side of the B183 crossing the bridge over the Flitch Way. Both footpath and bridge are too narrow to safely accommodate the likely numbers of pedestrians, particularly vulnerable users – e.g. school children, prams and strollers. An increase in pedestrian traffic at the Four Ashes junction would require altered timings to the lights, increased crossing time for pedestrians and cyclists and result in longer queues of vehicles.
- Pedestrians and heavy traffic will be within a metre of each other, as on Dunmow Road and Feathers Hill in HBO. Increased queuing at the Four Ashes junction will mean increased air pollution - at child height
- Widening is limited by the bridge parapets and the steep vertical alignment of the Flitch Way bridge makes the crossing point on either side 'blind' to approaching traffic and to pedestrians.

Cyclists

- Cycling is not a safe alternative on a daily basis given the width of the roads, the speed and volume of traffic and the delays at the Four Ashes Junction. Indeed the Sustrans route south avoids the B183 entirely going through Little Canfield.

Public transport

- Bus services have been reduced and two are dependent on public subsidies. Delays at the Four Ashes junction will extend journey time. Bus journeys via Stansted Airport often involve changing buses.
- Train services - Stansted Airport rail station is not easily accessible, and some fares are higher. The Airport is not designed for local commuters' use but for air passengers' arrival and departure.

B183 Vehicular Access

- The proposed development will be dependent on car transport and HBO residents are opposed to the introduction of extra volume of traffic on the B183.
- The access lies to the south of the Four Ashes junction and given its overcapacity and consequent delays at the lights, the growth of employment opportunities around Harlow and the planned M11 J7a it is likely that a greater proportion of the journeys than the 17% previously estimated from the proposed site will be to and from the south along the B183.
- The B183 already carries a large volume of commuter and HGV traffic particularly lorries accessing quarries and waste disposal sites via the B1256. Although it is a priority 2 route the carriageway is narrow, with blind junctions and sharp bends.
- A Highways speed survey in HBO in Sept 2014 recorded an average weekday (24 hours) volume of traffic of 4,970 vehicles of which 8% were LGV/HGV/PSVS. This has increased noticeably to date and certainly will when the planned M11 Junction 7a Harlow access is operational.
- Hatfield Broad Oak, Takeley and Hatfield Heath Parish Councils have submitted a combined proposal to ECC Highways for speed restrictions to be imposed on the B183 between the villages due to the present volume and speed of traffic using this route.
- HBO Community Speed Watch typically logs between 20 and 40 vehicles per hour in excess of 35 mph with maximum speeds of 50-55 mph entering and leaving the village limits. Takeley CSW report similar results in Station Road at the site of the access road to the proposed development.
- Any extra volume of traffic will be an unwelcome increase in the hazardous nature of the B183. HBO residents are particularly opposed to the use of the

route by construction traffic – a period of 5-6 years appears to be planned presumably anticipating the development of all three sites submitted to the SHLAA. All construction traffic must be prevented from using the B183.

- The increase in traffic volume and problems at Four Ashes lights will encourage use of alternative routes and ‘rat runs’ through Hatfield Broad Oak, Bush End and Hope End. None of these roads are suitable for significant volumes of extra commuter traffic.

Education

- The site is more than 800m from Roseacres and 3 miles from HBO Primary schools. The offer of the site for a primary school in the SW corner of the site is unrealistic. Pedestrian access via Station Road and the narrow railway bridge is unsafe and the Flitch Way is unlit and unsuitable in wet weather.
- The availability of secondary school places is also critical. ECC anticipate the existing provision will be over capacity in the year 2017-18. ECC has taken the unusual step of objecting to recent applications on the grounds of a lack of school places. (GLP Report)

Health provision

- Health provision is absent in Takeley which does not even have a GP surgery. Even where a GP surgery is suggested by the developer this is not deliverable because NHS England will not support it. Current policy is for large hubs therefore to suggest a GP surgery within any proposal is disingenuous. In reality the proposal may offer land (or the shell of a building) but local NHS has no intention of providing a service (GLP Report).
- The nearest GP provision is the Eden Surgeries in HBO and Hatfield Heath – waiting times for non-emergency appointments runs at two to two and a half weeks, even emergency appointments can involve waiting 1 – 2 hours.
- HBO residents are very concerned at the prospect of increased and unfeasible calls on the scarce health provision already available.

‘Offer’ of Facilities

- The Developers appear to offer a number of facilities on site which they claim will create a vibrant local community
- The ‘offer’ of on-site facilities is illusory. The viability of all of these items is doubtful given the proposal is for a development of 275 dwellings
- With regard to the offer of ‘community facilities’, S106 contributions are designed to compensate existing residents in the parish as well as those living on the new development. These facilities offer nothing to residents of HBO living 3 miles away and HBO PC and residents would resist maintaining facilities so remote from the village

Infrastructure

- The application fails to provide adequate proposals regarding the supply of water, drainage and sewage. Current capacity in the surrounding area is problematic after significant development north west of the site and increased capacity at Takeley Mobile Home Park.
- There are concerns that The Flood Risk Assessment is unsatisfactory, failing to account for the effect of a substantial run off from the site onto the nearby areas and into Pincey Brook. There is already regular flooding at Bridge Foot Farm and, despite the extensive work done on the water-meadows, it is seen as likely that this increase in water volumes could recreate the flooding at the foot of Feathers Hill in Hatfield Broad Oak. There is no assessment of further downstream flooding risk.

8.2 Takeley Parish Council:

Takeley Parish Council has submitted documents produced by Gardner Planning and Railton in respect of the preparation of the Draft Uttlesford Local Plan. These documents were prepared in October/November 2016 and relate to potential development proposals within the vicinity of Takeley including the potential allocation of "Bonnington Green" for a total of 230 dwellings.

8.3 In respect of the Bonnington Green site the report states:

"The 'Bonnington Green' site(s) has its own constraints which point to a lack of sustainability. Access is poor (see the attached report by Railton – Appendix 1) with the Four Ashes crossroad operating at over-capacity and the M11 Junction 8 with the B1256 also operating at over capacity. Pedestrian access is wholly unacceptable via a dangerously narrow footway over the former railway bridge. The greenfield countryside of the site(s) is 'sensitive to change'.

The 'offer' of on-site facilities (the reason put forward by the Officer at the 20 October meeting to justify a claim of 'sustainability' is illusory. A primary school on the site would have very poor and dangerous pedestrian access; a surgery would not be supported by the NHS; the various open space 'offers' are already available in Takeley.

In short, this is a wholly unsatisfactory and unsustainable site in a settlement that is unable to accommodate any more development beyond the 654 committed or completed homes that are already contributing to the Plan."

8.4 A letter of objection from Takeley Parish Council was also received:

Takeley Parish Council approved the following response OBJECTING to the above application at a meeting of the Council on 1st February 2017.

It is worth noting that much of our response has already been communicated to the UDC Planning Policy Working Group in response to information received regarding the draft Local Plan that was subsequently 'paused'. Takeley Parish Council in conjunction with Hatfield Broad Oak & Gt. Canfield Parish Councils commissioned a 'Pre Publication Report' by Gardner Planning Ltd which was submitted to UDC on 16/12/016. Attached to this document is a copy of that report for reference as well as a Highways Assessment which was part of the submission and is particularly relevant to this application.

- This is not a 'Community led' housing proposal. The applicant twice visited Takeley Parish Council which outlined the reasons why members believe development in this location is unsustainable. A public exhibition was held in Takeley at Priors Green Community Centre, not as would have been expected in Hatfield Broad Oak. 1000 flyers were issued and 74 people attended the exhibition (including invited District and Parish Cllrs). 37 people filled in the questionnaires. 64% of the respondents objected to the proposal. The community has not been 'integrally involved throughout this process'.
- The application site lies outside the development limits of both Hatfield Broad Oak (HBO) and Takeley. It is a green field site, particularly remote from the community of HBO, and should not be under consideration.
- Takeley has completely changed since UDC granted permission for a hotel and golf course on/adjacent to this site.
- The NPPF clearly recognises the need to be mindful of the cumulative impact of development on a community. The site is not part of current agreed allocations. Uttlesford can demonstrate a 5 year land and housing

supply. District completions between 2011-2015 were 1,894 of which Takeley sites accounted for 418 or 22%. Without any further allocations, therefore, Takeley is already contributing 654 homes to the (new) Local Plan or 5% of the total 12,500.

- The recent SHLAA reported that “if there is a proven need to allocate further significant development at Takeley, then the principle of breaching the long-standing southern limit of the Flitch Way would be justified”. However firstly, there is no proven need for sites in this locality and secondly it is at least recognised that the Flitch Way is an important boundary.
- Policy C1 - Protection of Landscape Character. UDC planning policy recognises and seeks to protect the countryside’s “intrinsic character and beauty, its value for agricultural production and its biodiversity.” The site is within the Broxted Farmland Plateau category of landscape Character Assessment. It has a moderate to high sensitivity to change. The proposed site is on the northern edge of a transitional corridor of countryside and agricultural land following the Flitch Way - a linear Country Park and Local Wildlife site. The Flitch Way also acts as a strong defensible boundary to the southern edge of Takeley, south of which, other than Takeley Mobile Home Park, the area is characterised by isolated dwellings and farms. Development of this land would introduce an area of built form detrimental to this character and would significantly impact on the views from Hatfield Forest. In fact, development of the site would mean the loss of the only remaining views to Hatfield Forest, including parts of the Harcamlow Way, from Takeley.
- In accordance with existing ALP Policies NE1 & SP11- Protecting & Enhancing the Natural Environment - development of this site would lead to significant harm. Planning policy recognises Hatfield Forest which ‘is an important recreational resource to Uttlesford residents and it is a strategic area of green infrastructure which is important to protect’. At the current time that SSSI status is under threat. The Forest has become overburdened with visitor numbers. The land is being eroded with insufficient time to recover which has led this year to the events calendar being scaled back in an attempt to reduce the footfall and allow the land time to heal.
- The site is part of a vital wildlife corridor for deer as well as other mammals, insects and birds, which must be retained to maintain viable populations\ RTAs involving deer collisions have increased at various pinch points along the B1256 where deer are forced to congregate and cross the road in order to maintain their natural range, which for fallow deer can be up to 16km.
- The developers propose a dog walking circuit to ‘draw residents away from using Hatfield Forest’. This appears to incorporate the Flitch Way into the circuit and accesses are included in the design. The Flitch Way is a linear Country Park and a Local Wildlife Site and should be protected from the impact of extra traffic from 275 homes. The Flitch Way is totally unsuited for use as a pedestrian access to Takeley and the embargo on extra entrances onto the Flitch Way applied to other new developments should be applied here.
- The proposal suggests a development of 275 dwellings. Given the land identified in the most recent ‘Call for Sites’ and the financial viability of offering the inferred ‘community facilities’ it must be recognised that the application site and adjoining land has capacity for over 850 dwellings (development on the scale of the current Priors Green development).
- UDC refused planning permission for 180 dwellings in March 2015 on a similarly located site south of the Flitch Way with poor access to the village. An appeal was lodged and after a significant case was assembled by UDC

and TPC the appeal was withdrawn. The 'Bonningtons Farm' proposal is completely at odds with this recent position taken in UDC's decision. The reasons for refusal included the following which are equally applicable to the 'Bonningtons Farm' site:

The proposal is on the boundary of the Countryside Protection Zone and would destroy the open relationship of the zone and its connectivity to the countryside. As such the proposal represents significant harm to the CPZ and therefore does not accord with Policy S8 of the ULP 2005.

The lack of safe and appropriate access for pedestrians and cyclists to the wider network and local facilities mean that this location is dependent on the private car and therefore the proposal does not represent a sustainable location as defined in the core principles of the NPPF and is not in accordance with Policy GEN1 of the ULP 2005.

- The Four Ashes cross-roads has no capacity to take extra traffic - the site is only accessible from the B183. Pedestrian access to the site would be via a sub-standard footway which is constrained by the railway bridge abutments. The access to the B1256 and to the M11 Junction 8 is already over capacity. So access to 'the site' is wholly unsatisfactory.
- The Four Ashes junction B1256 and Junction 8 of the M11 currently operates over capacity in the peak hours and the potential for improvements at these junctions is very limited. Only very modest new development can be accommodated within Takeley or along the B1256 corridor without severe adverse impacts in terms of queues and delays for drivers and severe adverse impacts for pedestrians and vulnerable highway users within Takeley and around the Four Ashes junction.
- A Transport Statement relating to sites 03HBO15 (application site) and 04HBO15 was prepared by Journey Transport Planning in May 2015. This report failed to undertake any detailed assessment of the likely level of impact of the proposed development on the Four Ashes junction and Junction 8 of the M11 and it did not consider the site's constrained pedestrian access. The data presented in the report were from the 2001 Census rather than the currently available 2011 Census and there was no recognition of the unsustainable travel patterns of local residents revealed by the Census data. The conclusions of the Transport Statement are therefore considered to be partial and flawed. As per Highways comments further assessment is required.
- MOVA (traffic signal control system that uses detectors and signal controllers). is already installed at the Four Ashes junction B1256/B183
- TPC and HBO PCs have submitted a joint proposal to ECC Highways for speed restrictions on the B183 between the 2 villages due to the volume and speed of traffic already using this route. There are particular hotspots in Station Road, Takeley and approaching the settlement of Hatfield Broad Oak.
- TPC is submitting a report by Railton TPC Ltd produced in Nov 2016 which assumes development of 334 dwellings and models the impact. This report clearly demonstrate and refutes the claim that the Four Ashes junction can be modified to accommodate additional traffic.
- The site could generate between 184 and 474 car trips in the peak hours, the vast majority of which will pass through the Four Ashes junction. The Four Ashes junction is already operating at or above capacity in the peak hours. The proposal site could lead to up to a doubling of traffic arriving at the junction from the B183 in the peak hours. The requirement for almost all pedestrian movements from the possible sites to cross the Four Ashes junction will serve to reduce further the capacity available for vehicles. The

development would therefore lead to severe queues and delays at this junction.

- Junction 8 of the M11 is currently operating at or above capacity during peak periods. There is only limited scope to increase capacity without a very radical reconfiguration of the junction and even with these improvements the B1256 approach remains over or close to capacity. The development would generate significant additional flows at Junction 8 of the M11 leading to a further deterioration in the junction's performance.
- Observations of traffic growth on the A120 either side of Junction 8 indicate growth of between 8% and 13% between 2012 and 2015. This is far in excess of the growth predicted by Essex Highways in their most recent assessment of the junction. It is therefore likely that the impact of further additional traffic approaching the junction from the B1256 in the peak hours will have an even more severe impact than would have been previously predicted.
- Pedestrian movement between the site and Takeley is constrained by the provision of only one footway on the B183 over the Flitch Way bridge. This has substandard width and the scope for widening is constrained by the bridge parapets. The footway is of insufficient width to safely accommodate significant pedestrian flows, particularly if they include vulnerable highway users such as school children. The safety of pedestrians using this route is further compromised by the lack of forward visibility for motorists over the bridge.
- An assessment of current travel patterns shows that the car driver mode share for people living in Takeley is the second highest in Uttlesford District and the level of walking is joint lowest. The unsustainable transport habits of residents reflect the lack of local facilities and employment, the distance to all higher order facilities and the lack of public transport services in the village. The location is not, therefore consistent with national policy that requires development to be located in areas that minimise the need to travel and maximise the use of sustainable modes.
- Despite the claims in the application documents, access to Stansted Airport railway station is inadequate and does not encourage commuter use, there is no safe pedestrian access, car drop off/collection zone charges, and bus services have recently been further reduced. Train fares are double that from Bishop's Stortford. The Airport encourages air passengers not domestic commuters.
- Education The site is more than 800m from the existing primary school provision. It is also more than 4.8km from a secondary school. A proposal for a primary school is unrealistic. It is not accessible from either Takeley or Hatfield Broad Oak. The plan indicates a school in the farthest corner of the site and access would need to be by car. Access from the centre of Takeley via Station Road, B183 cannot provide a safe pedestrian route to school due to the narrow bridge that crosses the Flitch Way (old railway line) – see above. The Flitch Way does not provide a safe route either; it is not lit nor does it provide a suitable surface for all weathers – it is a linear country park.
- The availability of secondary school places is also critical. ECC anticipate the existing provision will be over capacity in the year 2017-18. ECC has taken the unusual step of objecting to recent applications on the grounds of a lack of school places.
- Health provision is absent in Takeley - Takeley does not have a GP. Even where a GP surgery is suggested by the applicant this is not deliverable because NHS England will not support it. Current policy is for large hubs therefore to suggest a GP surgery/health facility within the proposal is

disingenuous. TPC has experience of this very situation on Priors Green, and has been engaged in discussions subsequently with the CCG. In reality the proposal may offer land (or the shell of a building) but local NHS has no intention of supporting/providing a service.

- Princess Alexandra Hospital in Harlow is operating significantly over capacity and cannot cope with the surge in population and housing development. It was built for a population of 60k which has now grown to 110k.
- With regard to the offer of 'community facilities', S106 contributions are designed to compensate existing residents in the parish as well as those living on the new development
- The application fails to provide adequate proposals regarding the supply of water, drainage and sewage. Current capacity in the surrounding area is problematic after significant development north west of the site and increased capacity at Takeley Mobile Home Park.
- The Flood Risk Analysis carried out for the site is unsatisfactory. "The assessment says there is very little chance of flooding on the site but does not cover any nearby areas". The assessment shows that all the runoff water including roads and roofs will be fed into a large pond and then into the existing drainage ditch to the south east of the site at up to 17 litres per second. There is no mention that the ditch flows south into Pincey Brook which we know struggles to cope with any heavy rainfall.
- As identified by National Grid there is a strategic gas pipeline in the vicinity of the site.

Takeley Parish Council fundamentally disagrees with some of the assumptions and conclusions of the Scoping Assessment Report regarding the impact of the development. The assessment fails to adequately comment on a number of key issues including the impact on the countryside and wildlife, the lack of safe pedestrian access to the site to/from Takeley centre as well as the impact of additional vehicle traffic at the Four Ashes junction B1256/B183. Takeley Parish Council deems this proposal to be unsustainable, unwanted, and unnecessary in this location.

8.5 A further report by Railton was completed in September 2018 for Takeley Parish Council. This report focuses on the transport aspects of the proposals and reiterates the points made in the earlier response and concludes that the proposed development is likely to have severe impacts in terms of increased queues and delays at the Four Ashes junction and in terms of highway safety, suffers from a lack of transport sustainability and may have an unacceptable transport environmental impact.

8.6 In addition, a letter from the Parish Council dated 21 September 2018 has been received raising further points.

Takeley Parish Council have noted the applicant has ring-fenced the densest part of archaeological features for non-development which is situated beneath the grassed area to the south of the school, however the archaeological advice is to follow through entire trenching to the whole of the site. The Archaeological advice is prescriptive; the entire site may need to be investigated before development can be considered. On this basis alone Takeley Parish Council highlight the NPPF principle that the potential harm outweighs benefits as the entire site has not undergone exploration.

However, should the geophysical survey prove otherwise, the council wish to highlight the disingenuous use of the most unamenable area being earmarked as part of the school playing field. Expansion of a primary school would not be able to

incorporated at a later date as the archaeological area has been advised as only suitable for seed within the archaeological study.

Furthermore, the applicant appears to have also incorporated the trim trail overlapping the school's green area. The school's playing field appears to have been incorporated into the same area which would not comply to children's health and safety amenity, in that the trim trail would be open to the public. However, the advice of the archaeological report, is that the area is only suitable for seed – not a trim trail or dog walking path either.

The benefit to the education authority is not clearly identified when the most unamenable area is being earmarked and the applicant is not proposing to build or fund the infrastructure/actual building. Housing is being created by the applicant that will lead to increased strain on resources. It would likely incorporate even more housing if the school was not built and as ECC have pointed out in their correspondence – a primary school is a necessity for the area if this development were to go ahead.

Specifically, Takeley Parish Council and Hatfield Broad Oak do not feel a MUGA is appropriate. There is currently a MUGA site which falls under Takeley's insurance remit on the other side of the road. Takeley Parish Council do not wish to insure or maintain two MUGA's within walking distance of each other and have not been consulted on the issue. Hatfield Broad Oak do not want to insure a site that they feel is remote from their current population or either pay for additional yearly ROSPA reports.

Neither Hatfield Broad Oak or Takeley Parish Council has been consulted on dog and litter bins to the area which would incur public costs which would be attributable. Please note these would be ongoing costs which would supersede any developer contribution and a staff resource implication. Hatfield Broad Oak as a small parish council does not have the staffing resource or precept level to cover upkeep of the proposals. The costs are ongoing so a contribution would not necessarily cover the long term staffing requirements.

Please also take on board that Natural England have quoted that usage of Hatfield Forest would not decline from the incorporation of a trim trail as the option to walk to the woods is always there.

In addition, Footpath 23 to the side of the field is currently not accessible to housing, however within the developer's design the trim trail accesses Footpath 23 at four access points – this leads directly on to the Flitch a linear Essex Wildlife Site which leads directly to Hatfield Forest. The development therefore will encourage dog walkers beyond the development site and directly towards the Forest a site of Special Scientific Interest which from the survey reports is suffering harm from too many local walkers. The harm therefore still outweighs benefits. Takeley Parish Council request that consultation with those who manage the Flitch also occur. Accesses to the Flitch require minimisation to ensure further damage to the wood and the preservation of the Flitch itself as it too is an Essex Wildlife site.

The Council do not believe that any benefits are being afforded to the community.

However, should the scheme be approved – Condition would need to be imposed that physical infrastructure and land be identified after the first house is built for NHS usage (D1) and further condition that NHS building is built within a timescale or percentage of other homes being developed. Conditions to be aligned in similar

manner as for the primary school – as per requirements for proper infrastructure to be facilitated.

It is known that Takeley is currently badly served by the NHS and ear markings to monies outside the area should be avoided. Small clinical rooms with large ensuites are an appropriate pre-requisite for healthcare facilities, which could potentially be rented out by NHS England whilst resourcing of a GP etc. Healthcare facilities are not identified elsewhere in Takeley and further investigation on this issue needs to be carried out urgently, as the monetary value of earmarked land, holds greater public asset and monetary value. The amenity to local residents needs to be of primary consideration.

Residents will not be happy to learn that a planner decided that ear-marking on NHS funds should go outside the immediate catchment area. This appears to be suggestion for the adjacent Gladmans' application without any appropriate assessment as to the needs of the new residents and the rest of the area.

Additionally a hall is also not required in light of Takeley Parish Council's plans to refurbish the Old School House on another site within walking distance, which will provide two halls due to the size of the plot. The new hall with its two separate halls to hire, would accommodate the needs of both Takeley, Hatfield Broad Oak and the new development and the utility of the area would be better served to making the development more sustainable to wanted infrastructure should the application inappropriately be passed.

Takeley Parish Council strongly object to all the points as outline in Ian Cowards' letter that this development should not occur and no benefit to the majority of residents has been considered, nor either the damage to the landscape, SSSI etc.

8.7 Great Canfield Parish Council

Great Canfield Parish Council discussed this application at its meeting on 9th January 2017 and was unanimous in its decision to OBJECT to the application UTT/16/3565/OP.

In September 2016 and following a request from Uttlesford District Council Planning Policy Working Group, this Parish Council responded, also in objection, to the inclusion of this site in the draft Local Plan, 02HBO15 and 03HB015. Great Canfield Parish Council in conjunction with Hatfield Broad Oak Parish Council, fully supported Takeley Parish Council in commissioning a report by Gardner Planning Ltd to provide detailed evidence to support all three Parish Councils objections to the inclusion of the sites. The report was submitted to Uttlesford District Council in December 2016 and this Parish Council fully endorses its content. There is no further evidence available in this outline planning application that would alter this Parish Councils view, their reasons for objecting to the suitability of the site for development remain and are repeated below for the benefit of this planning application.

Flich Way – Natural Boundary

The site is situated to the south of the Flich way. Uttlesford has previously stated that the 'Flich way is an important break in landscape terms and land to the south should be protected. Although land to the south is not covered by any formal designation it does have a different character which should be protected'. The Flich Way provides a natural boundary between Takeley to the north and the villages to the south and with the exception of Takeley Mobile Home Park, (exceptional

planning permission for the mobile home park site was granted in association with the approval of the development at Stansted Airport), the area is currently characterised by isolated dwellings and farms.

Great Canfield Parish Council is of the view that if these sites are developed in anyway this natural boundary would be breached and there would be no defined barrier to prevent development in the countryside beyond. The village of Great Canfield directly to the south of the Flitch Way would be open to developers and any boundary between Takeley to the north and Great Canfield would be eroded; Great Canfield parish in its current format would cease to exist.

Hatfield Forest

The Flitch Way, accessible from these proposed sites, is a linear country park which leads to Hatfield Forest, Uttlesford's largest SSSI. The Uttlesford Open Space Strategy 2012, paragraph 1.47 describes Hatfield Forest as an 'asset of regional significance for the retention, provision and enhancement of green infrastructure'. In response to a planning application in Great Canfield, UTT/14/2306/OP for up to 211 new homes adjacent to the Flitch Way, The National Trust as owners of Hatfield Forest objected to the development. Their primary reason was the 'cumulative impact of developments in the area will potentially contribute to further negative impacts on the SSSI and National Nature Reserve at Hatfield Forest.' The significant increase in visitor numbers in recent years has seen the forest being eroded with insufficient time for it to recover. This Parish Council suggests any further development in close proximity to Hatfield Forest would contribute to the damage already being caused, potentially threatening its current status and impacting the residents of Great Canfield and Uttlesford for whom this is a key recreational space.

Highways

The developments as proposed would put considerable pressures on both the B183/B1256 junction and the M11 junction 8, reference Essex Highways' Report, 'Uttlesford Local Plan Highway Impact Assessment of Draft Local Plan to 2031' (March 2014), and recent planning applications. Great Canfield Parish Council is concerned as evidence confirms traffic will use the narrow lanes through Great Canfield as cut throughs to avoid the traffic congestion at these junctions. Great Canfield Parish Council strongly objects to any development that has an adverse impact on the Highways network and that would result in an increase in traffic through the narrow lanes of Great Canfield.

The NPPF recognises the need to be mindful of the cumulative impact of development on communities. It also advocates an integrated approach to considering the location of housing, economic uses, community facilities and services. Despite the commitment in the planning application to the development of schools, recreational facilities, health service, (all of which this Parish Council would question in terms of achievability and sustainability), this site would be heavily reliant on the infrastructure and services in Takeley and Dunmow, areas which have seen large scale new housing development in recent years. They are already under significant pressure and struggling to meet the needs of the existing developments.

9. CONSULTATIONS

Highways England

- 9.1 6.1.17: Holding directive until 28 February 2017
- 23.2.17: Holding directive until 31 March 2017

28.3.17: Holding directive until 30 June 2017

14.6.17: recommend that conditions should be attached to any planning permission that may be granted:

No part of the proposed development shall be brought into beneficial use or occupation until the following highway improvements, the exit from M11 J8 on to the B1256 Takeley road is to be widened to two lanes. Or a sum equate to the cost of same is to be paid to the district council to put against a larger scheme for M11 J8 (or alternative layout form having no less effect in terms of highway safety) subject to such design modifications as the appropriate Highway Authority may decide to make.

Reason: To ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and to satisfy the reasonable requirements of safety for traffic on the strategic road network.

19.7.18: Offer no objection.

9.2 **ECC Highways**

This application has been assessed in relation to NPPF 2018 and in particular paragraph 108. A number of site visits were undertaken, as was consultation across the highway authority including the Essex Highways ITS (signals) team, public rights of way team and country parks team and externally with Highways England.

The development site was subject to a previous application and there is an existing access to the site which this application will use. To increase accessibility to the site the following will be provided:

footways, a signalised crossing, vehicle activated speed signs, upgraded bus stops with shelters and real time passenger information. The design of these works has been subject to a safety audit. The works will provide facilities aiding access to the village and bus services.

Conditions are required to protect the Flich Way, provide controlled access to it and improving the signing and surfacing of it and the PROWs that lead to it, improving routes for walkers and cyclists linking to the village and leisure routes and mitigating the impact of increased use.

The sustainable infrastructure measures above will be supported by a residential travel plan to provide information and sustainable transport incentives to residents.

The Takeley Four Ashes junction has been looked at in detail, in terms of capacity. Essex Highways ITS team have looked at the assumptions made within the model and are satisfied that the model gives a fair representation of the junction, the type of model used is recognised as one used by the industry, the cycle times reflect typical cycle times in the AM and PM peaks and the pedestrian cycle times have been included. It is recognised that there is queuing in the peak period and that this development will impact on the junction, for this reason the applicant will provide MOVA to improve the efficiency of the junction. MOVA will optimise the junction and allow it to respond automatically to differing queue lengths and adjust timings to balance the junction and make it work more effectively, providing greater capacity than is currently available.

Highways England has considered the impact of the development on junction 8 of the M11 and has required a condition to provide more capacity leading from the junction to the B1256. The condition has been included in the informatives of this recommendation for completeness.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the required mitigation and conditions.

9.3 **ECC Ecology**

23 January 2017: Holding objection

Chapter 6 of the Environmental Statement (Batcheller Monkhouse, no date given): Ecology & Biodiversity gives a reasonable alternative walking route as a draw away from Hatfield Forest SSSI and NNR, which is supported by Natural England. However, this footpath encourages the residents of the 275 proposed homes directly onto the Flitch Way Local Wildlife Site, and the potential impacts on the LoWS of increased visitors are not discussed. Although LoWS do not receive statutory protection, they are offered some protection through the planning system and there is a general presumption against development that will adversely affect them.

All of these potential impacts need to be set out and mitigation should be provided to ensure that the LoWS is not negatively affected by this development or by the cumulative effects of this development alongside others taking place in the vicinity.

9.4 25 June 2019: No objection subject to securing biodiversity mitigation and enhancement measures.

We are now satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites. Protected and Priority habitats and species and, with appropriate mitigation measures secured, the development can be made acceptable.

The compensation and mitigation measures identified in the Ecology Chapter (8) and associated appendices within the updated Environmental Statement (June 2018) and the letter from Ecology Solutions (7th November 2018) supplied by the applicant, should be secured and implemented in full.

While the concerns of our previous response of 28th May 2018 still fundamentally apply, we accept that the applicant has worked with the National Trust and others to help develop a comprehensive mitigation package, in the absence of an overall strategic plan.

In order to mitigate the likely impacts of recreational pressure on Hatfield Forest SSSI & NNR, the applicant is offering a mitigation strategy which would include:

- New all-weather dog walking circuit to include off-site habitat and picnic area and on site walking area including an off lead area.
- Financial contribution to the National Trust for visitor management at Hatfield Forest
- On-site green open space
- Encouraging people to use other routes in the area away from Hatfield Forest

We have recently spoken to the applicant's ecologist, who has talked through the work that has been undertaken with respect to mitigating the potential impacts upon Hatfield Forest SSSI and NNR and the Flitch Way Local Wildlife Site and he has provided some reassurances. On this basis, please find below our updated our response; we are now willing to withdraw our holding objection providing the following can be secured for discharge at Reserved Matters stage:

1. Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) –mitigation for impacts to the Statutory designated site

A report, produced in consultation with the National Trust, must be provided to set out precisely what the applicant's financial contribution to the management of Hatfield Forest will fund and proportions allocated to monitoring, education and maintenance. This will demonstrate that the financial contribution being provided to the National Trust for visitor management at Hatfield Forest has been fully costed. It will be aligned with the National Trust's published report entitled Hatfield Forest Visitor Survey and Impact Management 2018 (Footprint Ecology) and will provide specific measures that can be attributed to impacts from this development. The report will be tied to the legal agreement signed by the National Trust. The funding should provide for a significant proportion of works on the ground within Hatfield Forest, not just monitoring. The report itself should be a condition of any consent and must be provided with or before submission of reserved matters.

2. All-weather dog walking circuit, including off-site habitat and picnic area and on site walking area including an off lead area

The off-site section of the walking trail is all on land within the applicant's control. It must be demonstrated with or before submission of reserved matters that the dog walking trail and associated off-site habitats can be maintained (funded and managed) in perpetuity through the S106 agreement which must be provided before occupation.

The precise location, size and nature of the off-site habitats proposed must be defined. Figure E.4 Dog Walking Route and Biodiversity Plan (undated) should be amended to show the area of land which will be managed off-site.

A long term management plan will be provided with or before submission of reserved matters and its implementation in full must be secured for a minimum of 15 years.

3. Flitch Way Local Wildlife Site

There will be a legal agreement with Essex County Council which will include financial contributions for the maintenance of the Flitch Way Local Wildlife Site (LoWS) and public right of way for recreation and wildlife purposes. We support the suggested condition relating to this in Essex County Council's (Highways and Transportation) letter dated 8th May 2019.

We are satisfied that there is sufficient ecological information available for determination. This relates to impacts and mitigation on-site, to Hatfield Forest SSSI/ NNR and the Flitch Way Local Wildlife Site.

Should the LPA be minded to grant planning permission, the mitigation measures identified in the Environmental Statement should be secured and implemented in

full. In addition to securing off-site measures in a section 106 agreement, submission for approval and implementation of the details approved will need to be a condition of any planning consent.

This information will provide certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 of the Natural Environment and Rural Communities (NERC) Act 2006.

9.5 **Natural England**

Hatfield Forest Site of Special Scientific Interest (SSSI)

Natural England commends the consideration given to potential impacts of recreational pressure which is considered to be the most likely pathway for an adverse effect on Hatfield Forest SSSI. Paragraph 6.6.1 of the Environmental Statement states that *'the vulnerability of the interest of the designation is considered to be relatively robust from typical recreational activities'*. We consider this to be slightly misleading within this specific context as both Natural England and the National Trust (who own and manage the Hatfield Forest) are becoming increasingly concerned about the impacts of increasing visitor pressure on the SSSI particularly in the northern area closest to the proposed development.

This increased visitor pressure, particularly during the wetter winter months, has resulted in increased trampling of the rides and paths, parts of which have become very muddy. This in turn leads to visitors attempting to detour around these areas; thereby widening the paths and trampling important ride-edge vegetation. The National Trust have been forced to close some of the affected rides and paths on a rotational basis in order to allow them to recover sufficiently to be able to withstand further visitor pressure.

We welcome the inclusion of a 2.2km dog walking route which we consider a suitable mitigation for this type of development however we would expect to see further evaluation relating to usage and consideration of probable residual recreation in Hatfield Forest. Whilst a high quality walking route may reduce the number of visitors to the SSSI it is considered highly likely that some new residents will still be attracted to Hatfield Forest on a regular basis. Natural England recognises that the new 'all weather' dog walking track could also attract existing users of Hatfield Forest but assessment should be made of whether the total number of visits to the SSSI is likely to increase as a result of the new development. Where an increase is anticipated the impact should be considered in combination with other developments and further mitigation provided where necessary.

Natural England further notes that the environmental statement focuses predominantly on dog walkers. Assessment should also be made of other forms of recreational user, for example cyclist, who could potentially be considered less likely to use the provided dog walking track.

As owners and managers of the SSSI, the views of the National Trust should be sought and appropriate weight given to their submission.

9.6 **9 November 2018: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest ('SSSI') has been notified in combination with other developments.
- In order to mitigate adverse effects and make the development acceptable, the Environmental Statement identifies the following mitigation measures, amongst others, which we consider to be of principle importance to the conservation status of the SSSI:
 - The provision of an all-weather dog walking circuit to include a fenced off green area of 1.35 ha including a pond and picnic area.
 - The Flitch Way CWS corridor to be both protected and enhanced by an additional 20 metre buffer of managed biodiversity rich habitat to complement the Flitch Way CWS.
 - A secured financial sum to be provided to the National Trust in respect of Hatfield Forest SSSI / NNR to allow it to further mitigate and help resolve any issues that it is currently occurring from recreational pressure.
 - Areas of additional green open space within the development to provide on-site green infrastructure.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation

Natural England welcomes the additional information including the visitor survey information and updated Environmental Statement.

We understand that your authority is currently preparing a mitigation strategy to deal with in combination impacts on Hatfield Forest SSSI from Local Plan allocations with support from Natural England and the National Trust. As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the distance the majority of visitors will travel to visit Hatfield Forest SSSI. This report identified that 75% of visitors travelled up to 10.4 km to the SAC. Given that this development site is less than 2 km from the SSSI it is considered highly likely that it will fall within any identified Zone of Influence.

It is anticipated that housing proposals falling within this Zone of Influence may be required to contribute to mitigation measures to ensure that development does not impact negatively on SSSI features. Given that this application is not included in the Local Plan consideration needs to be given to the maximum carrying capacity of the SSSI and whether mitigation measures are available which will create sufficient headroom to accommodate both this development and the proposed allocations. As a Strategic Solution is not yet in place and the mitigation measures required are not yet defined this development will require a bespoke solution if it is to be determined prior to the conclusion of the Local Plan led approach.

We advise that the financial sum identified in the Environmental Statement as being required for mitigation needs to be quantified and agreed with Natural England and the National Trust. It is important that any financial sum relates to costed mitigation measures which are considered to deliverable and proportionate. We understand that the National Trust has provided a recommended costed contribution in their consultation response. If the developer wishes to adopt this as their own and the amount put forward can be secured then Natural England would consider it appropriate to withdraw our objection.

9.7 National Trust

The proposed development neighbours the SSSI and National Nature Reserve areas of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It's cultural and natural heritage values are of potential World Heritage Site status. Although not immediately adjacent to the proposed development site, Hatfield Forest is within close proximity and the Trust has taken the decision to comment on the proposal currently under consideration at Uttlesford District Council and would like to bring the following information to your attention.

Due to the exponential housing growth in the local area over the last 10 years our visitor numbers have doubled. This growth has created particular pressure during the winter months at a time when the forest is at its most fragile due to wet clay soils. The high levels of footfall increases the impact on the site and would be further exacerbated by the cumulative effect of more visits from the proposed 275 additional households.

The existing high level of visitors during the winter is impacting the Forest to an unsustainable level. The result is a loss of woodland edge habitat and compacted soils. These fragile ancient woodland soils are important and it may not be possible for them to recover. Entire woodland paths are removed of their vegetation and this spreads to the woodlands either side. The vegetation of a woodland edge as it transitions from grass to shrub to tree is an essential element of woodland ecology.

There has also been a significant increase in demand from visitors travelling to the Forest by car increasing the pressure to the existing facilities, infrastructure and soil conditions. In turn, car parking facilities are at full capacity during these times and in most locations adjacent public highways are regularly used for overspill parking on verges causing congestion.

The Trust welcomes the proposed circular dog walking route. We are pleased the design of the development has in some way incorporated an attempt to mitigate our concerns. However, we are of the view that this provision does not provide adequate mitigation against the potential recreational impacts of the proposal upon the surrounding SSSI and National Nature Reserve. The Trust is of the opinion that appropriate mitigation measures would be in the form of a significant alternative natural green space.

Whilst the Trust is neither 'for' nor 'against' the principle of development, we are of the opinion that the proposed development would result in increased recreational pressure upon land within our ownership which would be detrimental to the ongoing positive management and conservation of the SSSI and National Nature Reserve and wish to formally object to the proposed development.

- 9.8 **30 July 2018:** This letter is submitted in response to the revised Environmental Statement prepared by Batcheller Monkhouse (dated June 2018) which was published on Uttlesford District Council's website on 28th June 2018. The comments relate to the potential impacts of the proposed development on Hatfield Forest which is designated as a SSSI and National Nature Reserve and is owned and managed by the National Trust.

Hatfield Forest - Background

The proposed development is located approximately 1km to the east of the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The whole forest is of archaeological interest, it includes a medieval rabbit warren and Portingbury Hillsearthworks (a Scheduled Ancient Monument) as well as the Grade 2* listed Shell House which is a rare surviving example of garden building dating to the mid-18th century.

The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It is also the largest, most accessible and most important space for outdoors recreation for the community in the local area.

The National Trust welcomes visitors to Hatfield Forest but has to balance the needs of the visitor with conservation needs to ensure it can be protected for and enjoyed by future generations. The forest is currently experiencing rapid growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. Due to the clay soils of the Forest the increase in winter visitors, both walking in and arriving by car is damaging the Forest to an unacceptable level. Habitat loss is occurring and not recovering. The whole of the Forest was judged to be in 'Unfavourable Recovering' condition when formally assessed by Natural England in 2011. There is a significant risk that the Forest will be judged to be in Unfavourable Declining condition if the recreational impacts on notified features are not addressed. Part of the growth in visitor numbers can be attributed to the increase in housing in the local area.

The Trust has been actively working to address recreational impacts through its 'Every Step Counts' programme. This includes a range of management measures which are defined into the following categories – Strategic Planning, Acquisition, Community Involvement, Forest Infrastructure, Forest Works.

We previously responded to the original submission in which we raised concern about the increased recreational pressure that a development of the proposed scale could have on Hatfield Forest. Due to the exponential housing growth in the local area over the last 10 years the number of visits to Hatfield Forest has doubled to 500,000 today. The potential cumulative impact of further residential development so close to Hatfield Forest has the potential to increase visitor pressure and damage to the SSSI, NNR and ancient woodland. The site subject of this planning application is approximately 1km from Hatfield Forest. It is within walking distance of the Forest and this is facilitated by the proximity of the site to the Flitch Way. The Flitch Way is a well-used bridleway which abuts the Forest and provides users with direct access to Hatfield Forest. We previously advised that whilst the provision of a dog walking circuit (as set out in the application) was welcomed, it was not considered to provide adequate mitigation against the potential recreational impacts of the proposal.

Survey Work

Since our previous letter was submitted further work has been commissioned, both by the National Trust and the applicant to advance the understanding of the issues and the potential impacts from recreational pressure associated with housing growth in the area. The applicant has acknowledged the concerns raised by the National

Trust and Natural England regarding recreational pressure on the SSSI and has undertaken further work, in consultation with both parties, to address these. The National Trust is grateful to the applicant for this.

The applicant's consultants carried out a Visitor Survey and produced a 'Visitor Survey Report' (dated May 2018). The National Trust commissioned a 'Visitor Survey and Impact Management Strategy' which was also completed in May 2018. These are included in Volume 2 of the submitted ES - Appendices E3 and E4 respectively.

Both surveys were carried out during winter months (2017-2018) when the recreational impacts are most evident and require intervention. The Surveys are not directly comparable as they were commissioned for different purposes; however both contribute towards an advanced understanding of visitor patterns and behaviours at Hatfield Forest.

Some parallels can be drawn from both sets of survey results. In both cases over 50% of interviewees states that they visit the Forest once a week or more, with over 25% visiting daily. In both cases approximately 50% of people were walking dogs and one of the main reasons for visiting the open space at Hatfield Forest was the proximity to home. We therefore know that a lot of people who visit the forest live locally, visit more than once a week and it is a popular dog walking destination. The results also showed that those accessing the site from the Flitch Way visit the site more regularly than those using other accesses, including the main entrance. The National Trust's survey work established that 75% of visitors surveyed lived within 10.4km of the forest. This distance is likely to increase in summer months and the Trust in commissioning repeat survey work in the summer to establish a more accurate Zone of Influence. The proposed site falls within the winter Zone of Influence.

Para. 8.7.11 of the revised ES states that "prior to mitigation, effects are temporary and permanent adverse at the local level on a receptor of national importance and are of minor to moderate significance". The applicant's consultants estimate that the proposed development would create between 2920 (8 per day) and 4015 (11 per day) new visits to Hatfield Forest per annum. The Trust acknowledges that there are various methods of predicting the number of residents likely to visit Hatfield Forest from new developments and that there is not a recognised method of assessing this, nor is there any guidance (in policy or SPD for example) as to appropriate mitigation measures for the scale of development. Within the ES the applicant acknowledges that the site falls within the winter Zone of Influence (which may increase once summer surveys have been carried out) and indicates agreement to a financial contribution to the National Trust secured through a legally binding Section 106 Agreement for monitoring, education and maintenance of Hatfield Forest SSSI/ NNR.

The National Trust's Position

The National Trust supports the delivery of housing through a plan-led system. In this case the site is located outside of any defined settlement boundaries and is not allocated for development within the adopted Uttlesford Local Plan (2005). It must also be acknowledged that the site is not proposed to be allocated in the draft Regulation 19 Local Plan which is currently subject to pre-submission consultation. The site was submitted through the 'Call for Sites' process as part of the preparation of the new Local Plan. However, the evidence base and Sustainability Appraisal which accompany the emerging plan indicate that the allocation of this greenfield

site for residential development was not considered appropriate as it would introduce a significant area of built development which would be detrimental to the character of the area. The National Trust therefore maintains its objection to the principle of the development of this site.

As part of its determination, the LPA must consider whether the proposal would accord with the sustainability principles set out in the National Planning Policy Framework (NPPF). Para. 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It states that these roles should not be undertaken in isolation, because they are mutually dependent. An environmental role is about contributing to protecting and enhancing our natural, built and historic environment.

It is understood that the Council does not currently have a deliverable 5 year supply of land for housing and therefore relevant policies for the supply of housing cannot be considered up to date. When considering the presumption in favour of sustainable development as set out in Para.11 of the NPPF and applying the planning balance, it states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted⁹.

Footnote 9 gives examples of where such restrictions may apply. This explicitly includes policies relating to sites designated as Sites of Special Scientific Interest.

Para. 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying specified principles. It states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that one of the principles that should be applied is that proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

Furthermore, para 5.15 of the adopted Local Plan (2005) states that 'Sites of Special Scientific Interest and National Nature Reserves have the maximum degree of protection from development'. Policy ENV7 states that 'development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve'. It also states that where development is permitted the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's conservation interest.

The LPA must therefore consider the 'planning balance'. If it considers that the benefits weigh in favour of the development, then the National Trust requests that a package of mitigation measures to alleviate recreational pressure on Hatfield Forest

are sought, in accordance with the policies above.
Mitigation

The revised Environmental Statement submitted proposes the provision of a “bespoke mitigation package including dog-walking circuit off-site, on-site green open space, enclosed dog exercised area, dog-walking circuit, trim trail and financial contributions to future monitoring, education and maintenance / management of Hatfield Forest SSI / NNR”. It is noted that a contribution is also proposed to the Flitch Way Bridleway to provide signage to mitigate extra use.

The National Trust welcomes the provision of the above mitigation to be provided by the developer. The Trust also suggests that the developer produces and distributes a ‘home pack’ for new residents explaining about the sensitivities of Hatfield Forest and advising on how people can enjoy the Forest while limiting damage and also recommending alternative green spaces that could be used by the new residents, particularly in winter when the paths are less attractive to visitors. We would be able to assist with appropriate wording for this. Furthermore some educational mitigation (signage) on site would be beneficial.

It is accepted that these measures would alleviate some of the potential recreational pressure on Hatfield Forest. However it is noted that this application is in outline form and therefore the design and layout of the site is not yet known. If planning permission is forthcoming it is requested that these are secured through appropriately worded conditions and provided prior to occupation of the first dwelling to help minimise visitor impacts from the new residents on the forest.

The National Trust appreciates that the applicant acknowledges that despite these measures, there would be a residual recreational impact upon Hatfield Forest. Although Hatfield Forest is used by a large number of dog walkers and walkers, it also offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including cycling, wildlife watching, family outings and photography. It also has visitor infrastructure including a café, toilets, shop, and education room. Undoubtedly new residents would still visit the forest. The applicant suggests a financial sum is provided to the National Trust in respect of Hatfield Forest SSSI/NNR to allow the Trust to further mitigate issues arising from recreational pressure.

The applicant has not quantified the contribution. This is difficult without a strategic Mitigation Strategy/Charging Tariff linked to a local planning policy, which is currently absent from the Local Plan. The current Local Plan was adopted prior to the issues at Hatfield Forest becoming prevalent to the extent that they were causing unsustainable damage which then required further investigation and action. Such issues can, to some extent, be attributed to the housing growth for which provision was made in the Local Plan.

However, to assist, the National Trust recently responded to a different planning application for 135 dwellings close to Hatfield Forest. It is considered appropriate that a similar request is made and a proportionate contribution is sought. Further details are set out below.

Within the Footprint Ecology ‘Visitor Survey and Impact Management Report’ commissioned by the Trust are a number of recommendations in terms of mitigation. One of these is for further monitoring in order to give us more robust baseline information, understand visitor patterns and help determine a Zone of Influence. These include a Summer Visitor Survey (a repeat of the Winter Visitor Survey), the

design of a Botanical Monitoring Framework followed by on-going monitoring. We are keen to establish more robust methods of monitoring. The consultants have advised that the cost of this would be approximately £11,000 excl. VAT (so £13,200 incl.VAT).

The Property Operations Manager has advised that the maintenance element of the countryside budget for the Every Step Counts Forest Works element had to be increased in the last financial year by over £25,000. A further £10,000 pa was required for surfacing repairs due to wear and tear on current infrastructure alone.

One of the workstreams within the Trust's Every Step Counts programme is 'Marketing, Communications and Community Involvement'. The Trust is continually working on strategies to ensure that local communities and visitors understand the issues facing the forest in order to influence their behaviour and visiting times. So far this has included messaging on our website, social media, press coverage, workshops, face to face discussions with visitors, all of which requires staff time and financial commitment. This work will be ongoing.

In the interests of consistency and proportionality, if the LPA is minded to grant planning permission it is requested that a financial contribution of £40,740 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring, visitor and community education and infrastructure maintenance is secured through a S106 Agreement which is signed before any planning permission is granted.

We would like to make the point that the above should not set a precedent for future developments. Both the National Trust and Natural England consider that a strategic solution to assessing the impacts of new development on Hatfield Forest and determining appropriate mitigation needs to be written into a policy within the new Local Plan. We have been discussing this with your colleagues in Planning Policy. At present there is not a strategic Mitigation Strategy/Charging Tariff linked to a local planning policy in place (based on population increases or number of dwellings/bedrooms proposed). If this were to be in place the contribution may be different. In the absence of this at the current time, we are grateful to the developer for carrying out a Visitor Survey, producing a report and updating the Environmental Statement and consider that, in this case, the measures above would assist in mitigating visitor impacts on Hatfield Forest.

9.9 Friends of Flitch Way and Associated Woodlands

The Flitch Way is already designated a Local Wildlife Site reference Ufd196 and we are working with ECC Park Rangers to declare it a Local Nature Reserve. We are concerned about the current configuration of the site UTT/16/3565/OP Bonnington Green, narrowness of the buffer zone, increased access and restriction of light from the south and ask that the site be re-configured to address the concerns.

Buffer zone alongside the Flitch Way – The preferred buffer zone between the Flitch Way and proposed Bonnington Green development should be at least 20 metres wide and ideally be 100 metres wide. The buffer zone should be landscaped sensitively and be attuned to the specific habitat of that part of the Flitch Way. For example, creation of rough grassland zones with high levels of light is especially important along the southern boundary of the Flitch Way which this forms. Having wider trim trail and dog walking areas next to the Flitch Way boundary and the installation of secure boundary fencing would help to mitigate habitat damage. Dog waste bins should be located within the development to reduce the risk of littering and dog waste on the Flitch Way.

Access points on to the Flitch Way – An access point already exists along the western boundary of Bonnington Green to the Flitch Way. We do not want to see additional new access points as this could lead to habitat damage from increased usage.

Secure boundary with good light access – The Flitch Way is in a shallow cutting where it runs alongside Bonnington Green. It is essential to maintain good light access from the south to maintain as diverse a range of wildlife as possible. One way of achieving this would be to install open metal rail fencing or similar between the Flitch Way and the buffer zone.

S106 funding to improve Flitch Way path surface – There is an opportunity to use s106 funding to improve and maintain the surface of the Flitch Way path to help mitigate the expected increase in usage.

9.10 **Essex Wildlife Trust**

Essex Wildlife Trust currently objects to this application. We are of the opinion that the proposed layout will not provide sufficient mitigation for adverse impacts of the development on the Flitch Way Country Park and Local Wildlife Site.

The Flitch Way is an important wildlife corridor which functions as such due to its connectivity to the wider, open landscape. However, the narrow, linear shape of the Flitch Way renders it vulnerable to "edge effects" which can compromise the tranquillity, biodiversity, connectivity and openness of the site.

One of the aims when planning a development of this size should be to provide a net biodiversity gain. While we welcome the proposal to incorporate additional woodland planting along the northern boundary of the development site, the suggested buffer zone is too narrow and will not mitigate for the loss of tranquillity, connectivity and openness along the country park's southern edge. The additional tree planting so close to the boundary could compromise the ecology of this length of the Flitch Way by blocking out sunlight and contributing to a sense of being enclosed on both sides by urban development. Connectivity and thus the ability of many wildlife species to move through the landscape will also be compromised.

We would wish to see a considerably increased buffer zone along the northern edge of the proposed development, comprising a mix of semi natural habitats such as native woodland, scrub and floristically diverse grassland. This will increase biodiversity and create a more open vista when viewed from the Flitch Way. The aim should be to enhance the setting of the country park and provide enhanced habitats for wildlife leading to a net increase in biodiversity.

9.11 **ECC Archaeology**

9.1.17: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based

assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest.

The geophysical survey submitted with the application shows archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.

It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

9.12 **ECC Education**

The proposed development is located within the Broadoak and Hallingburys Ward. According to Essex County Council's childcare sufficiency data, published in July 2016, there is one child-minder and four pre-schools. Overall a total of five unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to expand provision is proposed. Additional places would be provided at an estimated total cost of £344,768 at April 2016 prices. This equates to £13,930 per place.

I note from paragraph 8 of the applicant's Planning Statement that they are proposing financial contributions for the appropriate education purposes and this is welcome.

There are two primary schools in Takeley, both of which are within a reasonable walking distance of this proposed development. These schools are full in Reception and it is anticipated that at least half an additional form of entry (15 places in each year group) will be needed in the medium to long term. To deal with immediate demand Essex County Council's 10 Year Plan, to meet demand for school places, sets out the need for a 'bulge' class at Takeley for September 2018.

This development will increase demand for school places but also offers the opportunity to acquire 1.78 hectares of land for a new primary school to serve the area and, thereby, deal with longer term growth if current demand is sustained. Whilst this opportunity is welcome, there is also the issue of viability. The total combined long term excess demand from the current population and this proposal may be slightly less than one form of entry. To ensure best value Essex County Council is committed, where possible, to building two form entry primary schools. Unless, within Uttlesford's Local Plan, there are other development proposals that can also contribute, the new school put forward in this application may not be deliverable.

The 1.78 hectares of education land proposed is sufficient for a two form entry school but it would be tight for the inclusion of an Early Years and Childcare facility. Its location, as shown on the indicative masterplan, is also not ideal in terms of access from the existing community. The applicant has submitted a site suitability

checklist but, from the information available on Uttlesford District Council's website, they do not appear to have provided the necessary supporting evidence. Before Essex County Council can respond fully to this consultation we, thereby, require additional information that we would be grateful for your assistance in obtaining.

Turning to secondary education, the Priority Admissions Area school would be Forest Hall. The School is expected to fill and the 10 Year Plan suggests that new accommodation for an additional form of entry may be needed around 2020. Clearly this development would add to that need and, as one of the largest developments proposed within its area, a formula based developer contribution should be secured.

9.13 12 July 2017:

Letter raises concerns regarding the land compliance statement:

- Asserts site is rectangular but evidence demonstrates it is not. Layout not efficient and unclear how school's developer will be able to accommodate the buildings, playing fields and hard and soft play areas efficiently within the site
- Asserts proposed education site is well located to neighbouring facilities. This is not the case – school site is away from neighbourhood centre and its car park and does not maximise efficiencies of co-location.
- Asserts proposed education site is centrally located – it is on periphery of application land. Assumed that phasing of development will commence from nearest access point and school may therefore be phased towards the latter phases of the development. This will place additional pressure on other schools in vicinity to accommodate the children.
- ECC would request that the developer offers the school land, complete with access road and infrastructure (gas, electricity, water, drainage (foul), telecoms) as soon as the first house is occupied in order to enable ECC to develop the school to mitigate the demand on other local schools
- The masterplan does not appear to offer any evidence on cycleway and safe pedestrian routes to the school

9.14 **ECC Minerals and Waste**

Land subject of this planning application is contained within a mineral safeguarding area- the area extends some 11ha within the proposed development boundary. As per the Essex MLP (2014) the applicant is required to prepare a Mineral Resource Assessment to consider the need for prior extraction of any economically viable mineral resources. ECC will maintain an objection to this proposal, subject to reaching a conclusion in respect of the findings of the MRA.

9.15 **14 February 2019:** Having reviewed the revised MRA, the Minerals and Waste Planning Authority notes the commentary provided as part of Paragraphs 3.20 and 4.2 as it relates to the impracticality of the working and storage of substantial amounts of overburden. On this basis, the Minerals and Waste Planning Authority removes its holding objection and has no further comment in relation to the application itself.

The Authority does however wish to place on record that there are elements of the MRA that are either questioned or not supported. These are set out below:

- Internal processes state that the size of the Mineral Safeguarding Area

(MSA) that would be sterilised would be approximately 11ha, which reduces to 9.6ha when a 100m buffer is applied from the façade of proximal properties. This is different from the 6ha suggested in the MRA. Appendix D of the MRA sets out a map showing the relationship between the application site and the MSA. It is not understood how the shaded area equates to 6ha.

- It is further noted that the submitted MRA states that the total application site is approximately 13.11ha, yet the total site area is given as 17.24ha in the application form submitted to Uttlesford DC in December 2016.
- It is difficult to fully support the MRA, and its conclusions, when there are outstanding discrepancies in site areas and no mineral yield calculations provided.
- Paragraph 3.18 of the MRA states that “The 10.5m depth of the bore holes is considered appropriate to give a robust analysis of the sub-base strata which has been found to be of low economic and mineral value.” This conclusion is not supported by the Mineral Planning Authority (MPA). It is held that a robust analysis of the sub-base strata can only be carried out when informed by boreholes taken to the extent of the bedrock, hence the request from the MPA that such practice is standard. The remainder of the paragraph is therefore also not supported.
- With regard to Paragraphs 3.21 and 3.22, it is not understood why the temporary impacts on visual amenity and openness caused by mineral extraction is a reason to conclude that prior extraction is not possible when the subsequent end-use is permanent built development.
- With further regard to Paragraph 3.22, any impacts described on properties less than 100m from the site of extraction would not be realised due to the establishment of a 100m buffer between the façade of proximal properties and the extraction site. Any other impacts relating to dust, noise etc would be required to be mitigated, as they would for the proposed housing development.
- Paragraph 3.23 states that “As for any material beneath 10.5 metres depth, this would require a significant amount of extraction to be carried out before any potential aggregate material is reached, and there is no evidence to demonstrate that there is suitable mineral at a lower depth. Therefore in this instance it was not considered appropriate to borehole down to bedrock depth.” It is considered that there is no evidence to demonstrate that there is suitable mineral at this lower depth because the boreholes were not taken to this depth. This lack of evidence cannot in itself justify not taking borehole samples below 10.5m when it is these borehole samples themselves which would provide that evidence.
- As a point of principle, the MPA would note that the statements made at Paragraphs 3.25 – 3.27 are also not supported. The definition of sustainable development within the NPPF extends to the appropriate conservation and use of finite resources, which includes mineral resources. The role of the MPA is not to frustrate housing delivery but to ensure that best use is made of mineral resources to secure their long-term conservation, which includes the avoidance of needless sterilisation by non-mineral development.
- Paragraph 4.2 states that “It is clear from the borehole test results that the extraction of mineral from this site is not commercially viable.” For reasons of clarity, this statement is not fully supported as borehole samples have not been taken to the full extent of the resource.

To clarify, the MPA removes its holding objection on the basis of the practicalities of working the site as set out in Paragraphs 3.20 and 4.2. This is not to be taken as an endorsement of the full MRA.

9.16 **Environment Agency**

Thank you for your consultation received on 4 July 2018. We have inspected the application, as submitted, and have no objections to the proposal. Our letter offers advice on foul drainage.

9.17 **Environmental Health Officer**

No objection subject to imposition of recommended conditions below to address noise, odour and light aspects of the proposed development.

Comments

Thank you for consulting Environmental Health on this application. This is an outline application for the development of a greenfield site for a mixed-use Development of up to 275 residential units, site for Primary School, Multi Use Games Area, Kick About Area, Flexible Neighbourhood Building (A1, A2, A3, A5, B1, D1 & D2 Uses), Car Park, Trim Trail and Dog Walking Circuit.

I have reviewed the revised Environmental Statement and supporting appendices submitted at the end of June, but these all tend to relate to matters which primarily fall within the remit of other Council Departments and outside agencies. It is noted, in particular, that air quality and land contamination were scoped out of the Environmental Statement and no documents relating to these areas have been submitted. That said, I would make the following observations and recommendations in terms of general environmental aspects of the outline application proposal:

Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and which should be conditioned to ensure they are suitably resolved for the final development scheme:

Land Contamination:

This is a greenfield site that appears to have been used for arable farming in the recent past. I would therefore recommend a watching brief approach to the development of the site, to ensure that any contamination risks encountered during the course of the development are suitably remediated to ensure the site remains suitable for its proposed end use:

Contaminated Land

The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Noise

The key noise source of concern for the outline application as proposed is the Multi

Use Games Area (MUGA), particularly as this is proposed for community use which is likely to involve use in the evening and at weekends. Noise from the use of MUGAs can have a detrimental impact on the amenity of residents living close to them, especially if used for extended periods, and it is important to consider their design, construction and location to mitigate any potential noise impacts arising from their use.

The proposed layout for the site shows the MUGA situated adjacent to the North-eastern boundary of the site, adjacent to the boundary with existing residential premises and to the north of a number of proposed residential units for the new development. A noise assessment of the potential noise impacts should be undertaken to inform the location, design and construction of the MUGA, including any proposed noise mitigation measures. The assessment should take account of the relevant 2015 Sport England guidance document on noise from artificial grass pitches, and a suitable mitigation scheme will need to be submitted for approval. There may also be potential noise impacts from fixed external plant attached to the proposed school and neighbourhood buildings, which is understood to include as A5 takeaway premises which is likely to have an external kitchen extraction system, together with external air condenser/chiller units. A suitable condition should be incorporated on any planning consent to establish the noise design standards for any external plant associated with the proposed development.

There is likely to be some noise and vibration during the construction phase of the proposed development, however, this can be covered by a suitable Construction Management Plan. I would therefore recommend that the following conditions are attached to any planning consent granted to address the above issues:

Noise - MUGA

No development shall take place until a scheme for protecting nearby dwellings (existing and proposed) from noise arising from the use of the proposed Multi Use Games Area (MUGA) has been submitted to and approved in writing by the local planning authority. None of the affected dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. Reason: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA.

Noise - Construction Management Plan

Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

Reason: In the interests of highway safety and the control of environmental impacts

Noise – External Plant

Noise resulting from the operation of any external plant at the proposed school and/or neighbourhood buildings shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA.

Odour

It is suggested in the application that the proposed Neighbourhood Building will include A3 & A5 uses that could give rise to commercial cooking odours. It is important that impacts from commercial odours are adequately controlled by suitably designed and installed kitchen extraction systems. The following condition is therefore recommended to secure this:

Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: To protect the amenity of existing and future occupiers living in the vicinity of the Neighbourhood Buildings.

Lighting

In addition to public street lighting for the development, the MUGA and kickabout areas are likely to incorporate some form of floodlighting to extend their hours of use in winter months. It is important to ensure that any lighting scheme is suitably designed in accordance with relevant technical standards to prevent adverse impact on existing and future residential occupiers from obtrusive or spill over light or glare arising. Therefore, the following condition is recommended:

Lighting - MUGA & Kick About Area

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To prevent any adverse impact from obtrusive or spillover light or glare on existing and future occupiers living in the vicinity of the MUGA and Kick About Area facilities.

INFORMATIVES

Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

9.18 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and

archaeological advisers, as relevant.

9.19 **Housing Enabling Officer**

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 275 (net) units. This amounts to 110 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 14 bungalows across the whole site delivered as 7 affordable units, (split 4 affordable rent and 3 shared ownership) and 7 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

SMHAA 2015 Figures	Land West of Bonningtons Farm Station Rd. UTT/16/3565/OP					
	Name	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent		9	32	29	6	77
Shared Ownership		4	14	13	3	33
Grand Total		13	46	42	9	110

I note from the Design and Access Statement that property sizes do not meet the Councils' requirements. 1 bed properties should sleep 2 people, 2 bed properties sleep 4 people, 3 bed properties sleep 5 people and 4 bed properties sleep 6 people. This is to comply with housing benefit rules.

9.20 **Lead Local Flood Authority**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

9.21 22 August 2018: Thank you for your email. Our consultants have reviewed this application, however ECC had previously provided a response on 18th Jan 2017 which set out a number of conditions. Further evidence has been submitted in June 2018 to demonstrate that the proposals would not result in an adverse impact on ecology and highways, through an updated ecology statement. However, as there are no changes to the proposed development plans, and only the ecology statement has been revised, the letter provided by ECC LLFA in Jan 2017 will still stand.

9.22 **London Stansted Airport – Safeguarding**

The proposed development has been examined from an aerodrome safeguarding aspect, however due to insufficient details relating to the proposed SUDs scheme

and landscaping we have not be able to fully assess the proposal from an aerodrome safeguarding perspective. We therefore recommend that conditions and informative be attached to any approval granted, as detailed below.

Landscaping

There are no landscape proposals detailed at this stage however certain plant species such as berry-bearing plants provide foraging opportunities which could attract hazardous birds. We therefore recommend that berry-bearing species are kept to a minimum, as should large canopy forming trees, such as Scots Pine and Oak. These densely crowned trees offer roosting and nesting opportunities for species such as Wood Pigeon and Corvids. We therefore require that a condition is attached.

Sustainable Drainage Scheme

The proposed development is located 3km South East from Stansted Airport and in this location, permanent areas of wetland or open water habitat have the potential to attract and support hazardous birds. We therefore require that a condition is attached.

Building Heights

In the absence of any details being submitted with the application regarding proposed elevations it has not been possible to undertake a full aerodrome safeguarding assessment of the proposal.

Should outline approval be granted, the Safeguarding Authority for Stansted Airport must therefore be consulted and reserve the right to make further comments on any subsequent application for reserved matters or for full planning approval. This is to ensure that the development does not infringe any of Stansted Airport's protected obstacle limitation surfaces.

Although we do not anticipate that a residential development in the range of 2/3 storeys in height would conflict with any safeguarding criteria in this location, we would recommend that a condition is attached to the outline permission, which states that:

Obstacle Limitation Surfaces

The height of any buildings, structures, erections or works must not infringe any of Stansted Airport's protected obstacle limitation surfaces.

Reason: To ensure that Stansted Airport's obstacle limitation surfaces are protected and to ensure the safe operation of aircraft.

Cranes and Tall Equipment

Should any crane operations be required during the construction process (e.g. for lifting of trusses, etc.), we would like to draw the applicant's attention to the requirement within the British Standard Institute Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. We therefore request that an informative be attached to any approval that is granted.

9.23 17 July 2018:

The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. We have no objection to the outline proposal however, we seek assurance in a Condition that we will be consulted on the future detailed application. We will be especially concerned in the SuDs and landscaping detail: the attenuation facilities should be designed to remain

dry with a quick draw down time after storm events and that any planting palette will include no more than 25% berry bearing plants and will minimise large canopy forming trees such as Oak and Scots Pine.

It is important that any conditions in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

9.24 **NATS – Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

9.25 **NHS England**

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 688 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position are shown in Table 1.

Premises	Weighted List Size ¹	NIA (m²)²	Capacity³	Spare Capacity (NIA m²)⁴
Eden Surgery	9,959	575.14	8,387	-107.76
Total	9,959	575.14	8,387	-107.76

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

Healthcare Needs Arising From the Proposed Development

The intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation at the Eden Surgery, a proportion of the cost of which would need to be met by the developer.

Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Premises	Additional Population Growth (275)	Additional floorspace required to	Spare Capacity (NIA)	Capital required to create additional
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	 dwellings)	 meet growth (m²)		 floorspace (£)
Eden Surgery	688	47.18	-107.76	108,507
Total	688	47.18	-107.76	108,507

In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

9.26 **Thames Water**

Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a

public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

10. REPRESENTATIONS

10.1 This application has been advertised and representations have been received raising the following issues:

- Overdevelopment
- Creates precedent for further development
- Cause strain on already stretched infrastructure
- Impact on wildlife
- Roads are at capacity
- Drainage impact
- Not enough existing infrastructure
- Impact on public transport
- Impact on essential services
- Loss of agricultural land
- Impact on schools
- Impact on flooding
- No affordable housing
- Not sustainable
- No public benefits
- Land not allocated in Local Plan
- Limited access to land
- Unsafe for pedestrians
- Impact on utilities
- Impact on Flitch Way
- Create a dangerous junction
- Turn a village into a town
- Increase in air pollution
- Secondary education not considered
- Destruction and loss of countryside
- Impact on security
- No identified housing need in Takeley
- Significant harm to Hatfield Forest
- Bridge will not cope with additional traffic
- Takeley already overdeveloped
- Access unsuitable and dangerous
- Harm caused to near SSSIs
- Increase in noise pollution
- Harm to designated local wildlife site Ufd196
- Impact on parking
- Breaches the southern development limit line of Flitch Way
- Within the Broxted Farmland Plateau category of landscape Character Assessment
- Harm to the CPZ
- Impact from cumulative development
- Impact on views to and from Hatfield Forest
- Not on brownfield

- Impact on telecommunications
- Impact on water pressure
- Exacerbate airport parking issue

The following comments have been made in support of the application:

- Provision of green space
- Provision of sports pitch
- Dog walking circuit
- 110 affordable homes
- Provision of new community building

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (ULP Policies S7, H9, ENV2, ENV5; NPPF)
- B Access (ULP Policy GEN1)
- C Ecology and biodiversity (ULP Policies GEN7, ENV3, ENV7, ENV8; NPPF)
- D Flood risk (ULP Policy GEN3; NPPF)
- E Contaminated land (ULP Policy ENV14; NPPF)
- F Other material considerations (ULP Policies ENV4, ENV11, GEN6; NPPF)
- G Emerging Local Plan policies

The following is a summary of the main reasons for the recommendation:

A Principle of development (ULP Policies S7, H9, ENV2, ENV5; NPPF)

11.1 The application site is located outside the development limits within the parish of Hatfield Broad Oak. To the northern boundary of the site is the Flitch Way, a linear country park and local wildlife site. This provides connectivity to Hatfield Forest, a SSSI, NNR and Ancient Woodland and a site owned and operated by the National Trust as a recreational area. The site is agricultural land and has further agricultural land to the west and south. To the east is Takeley Mobile Home Park. There is an existing access into the site constructed as part of the planning permission granted for a golf course and hotel development. This consent is extant and is a material planning consideration.

11.2 The site has been promoted by the applicant through the Call for Sites for the Local Plan. The 2015 Assessment related to a 17 hectare site with a potential developable area of 12.45ha. The conclusion of the assessment was:

“This greenfield site is located on the edge of Takeley, south of the Flitch Way (County Wildlife Site and linear Country Park). The site wraps around the site submitted at Bonningtons (O2HBO15). The site forms part of an extant planning permission for a golf course, hotel, conference centre and indoor leisure facilities. The site is in walking/cycling distance of the village centre and Roseacres primary school. The Flitch Way acts as a strong defensible boundary to the southern edge of Takeley, south of which, other than the Mobile Home Park, the area is characterised by isolated dwellings and farms. Development of the site would introduce a significant area of built development detrimental to this character. Notwithstanding this, development of the site would mirror the development north of the Flitch Way and west of the B183, which as the proposal suggests could provide additional facilities such as a Multi-Use Games Area and a community hub, primary school, football ground car park, trim trail, dog walking circuit and kick about area.”

- 11.3 The conclusion of the assessment in 2015 was that the site was available and development achievable. The site was considered suitable if development south of the Flitch Way is accepted in order to provide the scale of development needed.
- 11.4 The site was reassessed in 2018 with similar comments to those made in 2015, although it was noted that improvements to the road made in association with the golf course permission create a more urban feel to this approach to the village of Takeley. It was considered that additional information would be needed to ensure that the development of this site would not lead to harmful effects, especially on highways and on visitor numbers to Hatfield Forest. These issues will be discussed in more detail below.
- 11.5 Notwithstanding the assessments in 2015 and 2018 concluding that the site was considered suitable for development, subject to mitigation of impacts on highways and Hatfield Forest, the site was not selected for inclusion in the emerging Local Plan (currently at examination).
- 11.6 The adopted Local Plan places the site as being outside any settlement limits (ie within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however, this view does not amount to a bar to development in such areas.
- 11.7 Policy S7 states that development in the countryside will be permitted if it needs to be there, or it is appropriate to a rural area. A residential development for commercial gain would not meet either of the policy's two criteria.
- 11.8 Since the Council adopted the Local Plan, the government has published the National Planning Policy Framework (NPPF) in 2012, updated in 2018 and 2019. The Council's own compatibility assessment of the Local Plan in relation to the NPPF's new requirements showed that Policy S7 was partially consistent with the NPPF. It should be noted that the Secretary of State has previously given significant weight to Policy S7, and Inspectors consistently give it moderate weight. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF.
- 11.9 The proposed residential development, together with the associated infrastructure would result in the urbanisation of this part of the countryside to the south of the Flitch Way. This would be viewed in the context of a rural backdrop with the infrastructure of Stansted airport in the background and the urban form of the Mobile Home Park located to the east. It would impact on the rural characteristics of the land to the south and west, in particular views across the valley towards Hatfield Forest.
- 11.10 The Council's Landscape Officer has verbally advised that, although there would be harm to the countryside location this would not be significant given the context of the site. Notwithstanding this, it is accepted that the proposals do not represent infilling, and development should only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why development in the form proposed needs to be there.
- 11.11 In terms of Policy S7 there are no special reasons as to why the development in the form proposed needs to be there. The application is outline with all matters

reserved, except for access. As such it is not possible to fully assess whether the proposals would protect or enhance the character of the area as these details would be reserved matters. What is acknowledged is that the development would result in some harm to the character of the rural area. However, planning decisions must be made in accordance with material planning considerations, including the NPPF.

- 11.12 The NPPF takes a less prescriptive approach to development in the countryside, especially, as is the case for Uttlesford District Council, local planning authorities cannot demonstrate a five year supply of deliverable housing land. Following the publication of the NPPF in February 2019 it has been established that the Council can demonstrate a 3.29 year land supply and has had a 147% delivery over the past 3 years. In such circumstances, the NPPF's so called tilted balance to sustainable development applies which is set out in paragraph 11 of the NPPF.
- 11.13 The NPPF established the concept of sustainable development and the principle that consent for such development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The NPPF sets out three objectives to sustainability: economic, social and environmental.
- 11.14 Economic – there would be economic benefits arising from the proposed development, firstly in respect of construction jobs followed by additional support from residents for local facilities. The proposals incorporate the provision of additional facilities for the local area, including land for a new primary school and a mixed use building capable of providing additional employment opportunities. These benefits would be beneficial given the scale of the development.
- 11.15 Social - the new occupiers would be able to support local services in nearby villages, in particular Hatfield Broad Oak and Takeley. The site is located on a bus route with an hourly service between Stansted Airport and Bishop's Stortford. The site is within reasonable walking distance to other bus routes located on the B1256. The proposal would include the provision of 110 affordable housing units (40%) and a mix of housing to meet a range of needs in terms of property sizes. In addition, areas of open space, a trim trail and dog walking route which would be capable of supporting the health and social well-being of the community. The proposals would offer beneficial social benefits.
- 11.16 Environmental – the proposals need to demonstrate that they contribute to protecting and enhancing the natural, built and historic environment. In this particular instance this element is more wide ranging than just the site itself and will be discussed in greater detail below. The proposals would result in harm to the character of the countryside with the introduction of increased urban development on this plateau landscape. In addition, there would be additional pressures on the Flich Way and Hatfield Forest, potentially impacting on protected landscapes and/or protected species. However, mitigation measures can be secured to reduce the significance of the impacts. Therefore, on balance it is concluded that the proposals would deliver environmental benefits. As such, the proposals represent sustainable development when considering the three strands of sustainability.
- 11.17 Paragraph 170 of The Framework states that “Planning policies and decisions should contribute to and enhance the natural and local environment by:
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...”

- 11.18 Footnote 53 states that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.” Annex 2 of The Framework defines “best and most versatile agricultural land” as “land in grades 1, 2, and 3a of the Agricultural Land Classification”.
- 11.19 Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 11.20 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3.
- 11.21 There are no defined thresholds for “significant” in terms of BMVAL. Consultation with Natural England is only required for developments exceeding 20 hectares and this site obviously falls below that threshold at 17 hectares
- 11.22 In relation to the proposed development of 600 to 700 houses and accompanying commercial development on land at Easton Park (appeal dismissed), the Secretary of State found as follows:
- “The Secretary of State agrees with the Inspector at IR15.47 that the scheme would mean the loss of a certain amount of BMV land to provide housing, other buildings, infrastructure and the landscaping buffer contrary to policy ENV5. The Secretary of State agrees with the Inspector that the loss of BMV agricultural land weighs against the proposal, and he affords this limited weight as much of the land around is within the BMV categories and it would be difficult to not to use high grade land if further housing is to be built on greenfield land in the district.”
- 11.23 Similarly, in respect of a proposal for 800 houses in Elsenham/Henham/Ugley (appeal dismissed) the Secretary of State found as follows:
- “The Secretary of State agrees with the Inspector for the reasons given at IR 15.70 that the loss of BMV land caused by the development would be contrary to LP policy ENV5 and this weighs against the proposal. He gives limited weight to harm through the loss of BMV agricultural land and to conflict with LP Policy ENV5 as there are no substantial areas of lower grade land close to existing settlements in Uttlesford.”
- 11.24 The loss of BMVAL therefore needs to be considered in the context of the sustainability considerations of the proposals. As discussed above, it is considered that the proposals deliver benefits that result in a sustainable form of development and this would outweigh the limited harm arising from the loss of BMVAL.
- 11.25 The application site is located within the landscape area B10 – Broxton Farmland Plateau. This character area covers a wide area from Great Dunmow in the east, Henham in the north, Elsenham and Stansted to the west and Takeley to the south. The character area as a whole has a moderate to high sensitivity to change.
- 11.26 The site is relatively flat and open and seen in the context of the Mobile Home Park to the east, particularly when viewed from Station Road and approaching the site

from the village of Takeley. However, in terms of its impact when approached from the south, the proposal would impact on the openness of the plateau and the views across the countryside. This visual harm would be contrary to Policy S7 and would need to be weighed up against the benefits of the proposals. The Council's Landscape Officer has verbally advised that the impact on the landscape character would not be significant and therefore would not warrant refusal on this ground.

- 11.27 The site is located adjacent to Bonningtons Farm, a grade II listed building. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to consider the impacts of development on the setting of listed buildings. This is also referred to in Policy ENV2 and the NPPF.
- 11.28 Bonningtons Farm is located within a site with extensive boundary planting and this provides a very enclosed setting to the building. Planning permission has previously been granted for new dwellings to replace existing structures to the west of the listed building and these were not considered to result in an adverse impact on the setting of the listed building.
- 11.29 Whilst this proposal would result in the urbanisation of the landscape around the adjacent property, it is not considered that this would result in significant harm to the setting of the listed building. Harm would be less than substantial and therefore the benefits of the proposals would need to be balanced against the harm.
- 11.30 As discussed above, the proposal would deliver benefits across the three strands of sustainable development. The delivery of housing, including affordable housing, would be beneficial to the district and make a positive contribution to the Council's 5 year land supply. As such, it is considered that the benefits of the proposals would outweigh the less than substantial harm to the heritage asset.

B Access (ULP Policy GEN1)

- 11.31 Policy GEN1 seeks to ensure that the main road network is capable of carrying the traffic generated by the scheme and that the design of the site meets the needs of all potential users and encourages movement by means other than the car.
- 11.32 The application is accompanied by an Environmental Statement, submitted under the 2011 Regulations, that considers the impacts of this proposal on the highway network. The initial assessment work was undertaken with a view of delivering 300 dwellings and is therefore considered to be a robust approach given the fact that the proposal is for up to 275 dwellings.
- 11.33 The approach in the Transport chapter of the ES was agreed with ECC Highways, in particular the approach with regards to the extant consent and the junctions to be appraised. The assessment identifies that operational effects will be greater than construction in terms of vehicular movements and as such only these have been assessed.
- 11.34 The operational traffic assessments confirm that in the main, under the do nothing scenario, the proposal would be likely to have a negligible effect at the links and junctions within the study area, although in one location a moderate adverse impact has been identified, being the Parsonage Road/B1256 Dunmow Road/B183 Station Road signal controlled junction. Mitigation measures are proposed which would reduce the impacts in terms of transport to a neutral negligible impact.
- 11.35 The application is for outline consent with access only to be considered now. The

access to the site is proposed to be onto Station Road at the existing access point, constructed as part of the planning permission for a golf course, conference centre and hotel complex. In terms of suitability of the access, the Highway Authority has confirmed that they have no objections subject to conditions. These relate to visibility splays and highway improvements including the relocation of existing bus stops.

- 11.36 In terms of impacts on the local highway network, the proposals have been carefully considered by the Highway Authority. The Takeley Four Ashes junction has been looked at in detail, in terms of capacity. Essex Highways ITS team have looked at the assumptions made within the model and are satisfied that the model gives a fair representation of the junction, the type of model used is recognised as one used by the industry, the cycle times reflect typical cycle times in the AM and PM peaks and the pedestrian cycle times have been included. It is recognised that there is queuing in the peak period and that this development will impact on the junction. For this reason mitigation measures will be required. The applicant will provide MOVA (Microprocessor Optimised Vehicle Actuation) to improve the efficiency of the junction. MOVA will optimise the junction and allow it to respond automatically to differing queue lengths and adjust timings to balance the junction and make it work more effectively, providing greater capacity than is currently available.
- 11.37 Given the location of the site, impacts on the M11 junction 8 are also likely to arise as a result of the proposals. These have been considered by Highways England and they raise no objections subject to a condition requiring mitigation works to be undertaken to improve capacity at the junction. Mitigation measures for highway impacts can be secured by way of conditions or legal obligations.
- 11.38 Due to the proposal being an outline application only the internal road layout is not yet known. However, some basic principles around potential routes within and around the site are set out in the application, in particular the dog walking circuit and trim trail. In addition, the site is located in relatively close proximity to a bus route and is within walking distance of services and facilities concentrated in the Four Ashes junction area.
- 11.39 The site is located immediately adjacent to the Flitch Way and the proposals are likely to increase the use of this public right of way, particularly given the fact that the Highway Authority is requesting a condition requiring a pedestrian/cycle link to be constructed prior to the first occupation. This link is required to be provided at the junction of PROW 23-5 and 48/22. Such a link will encourage movement by means other than a car and the Flitch Way can provide connectivity to other areas. However, the increased use of the Flitch Way is likely to result in harm to the area and therefore mitigation measures are required to provide appropriate surfacing, drainage, signage and information boards along the section adjacent to the site and to the old Takeley Station. This mitigation can be secured by way of a financial contribution in a s106 Legal Obligation.
- 11.40 There are additional public rights of way within the immediate vicinity of the site. These provide connectivity to a wider footpath network and as such are also likely to be impacted due to increased usage. The Highway Authority has identified mitigation measures to offset that impact in the form of suitable surfacing and drainage for PROW 23-5 (along the western boundary of the site) and PROW 48/22 (between the Flitch Way and the B1256). These mitigation measures can be secured by way of a condition. Therefore, subject to the appropriate mitigation being secured the proposal is considered to comply with Policy GEN1. As such, the Environmental Statement is considered to be an appropriate assessment of the impacts of the

proposals.

C Ecology and biodiversity (ULP Policies GEN7, ENV3, ENV7, ENV8; NPPF)

- 11.41 The application site is located to the south of the Flitch Way and within 1km of Hatfield Forest, a SSSI, National Nature Reserve and Ancient Woodland and Registered Garden. The Flitch Way is designated as a Local Wildlife Site and is a linear country park operated by Essex County Council.
- 11.42 The potential impacts on Hatfield Forest were identified at the Scoping stage of the application as being potentially significant and therefore requiring the submission of an Environmental Statement. The original Environmental Statement submitted with the application was not considered to be adequate due to failing to assess the baseline against which to measure the potential impacts. Subsequently, additional survey work was undertaken following extensive negotiations with the National Trust and Natural England. This survey work informed the revised Environmental Statement submitted in June 2018. This ES is submitted under the 2011 Regulations due to these being in force when the original application was submitted.
- 11.43 The Environmental Statement identifies that effects at Hatfield Forest are tied to the visitor pressure. The ES assesses the likely impacts arising from the development would be an additional 8 new visits to Hatfield Forest across a 12 hour day (equating to an additional 2920 visits per annum) via the Flitch Way and Harcamlow Way. The effects would build up over time as the development is built out and would result in 1.15% of the new population accessing the Forest for recreation in the absence of any alternatives. It is also recognised that additional visits are likely to be undertaken by residents driving to the Forest.
- 11.44 Impacts on ecology associated with the Flitch Way are identified as being likely as a result of:
- Surface water run-off affecting the Flitch Way
 - Potential encroachment from residential gardens and deposition of garden waste
 - Additional users of the Flitch Way degrading the surface
 - Increased dog waste if not appropriately managed
 - Increased cat predation
- 11.45 Impacts on habitats and protected species have also been assessed as part of the ES, including bats, dormice, badgers, hedgerows, grasslands, birds and invertebrates. The assessment includes direct impacts, in isolation and cumulatively.
- 11.46 Potential impacts during the construction period include dust, noise, light, vibration and the potential for pollutants from chemicals and fuels. These can be appropriately mitigated by way of a Construction Environmental Management Plan (CEMP), as is normal practice for these types of impacts. This can be secured by way of a condition.
- 11.47 Mitigation measures during the operational phase include the creation of additional habitats, in particular swales and attenuation basins, grasslands, wildflower grass margins plus gardens. Existing landscape and ecological features are designed to be retained as far as possible.
- 11.48 The fundamental area where mitigation is required is due to impacts on Hatfield

Forest. Extensive negotiations involving the National Trust and Natural England, alongside further survey works being undertaken by these bodies, and the findings of the revised ES have identified the potential impacts and a package of potential appropriate mitigation measures.

- 11.49 Paragraph 175 of the NPPF (previously 118 as referred to in the response from the National Trust) states that when determining planning applications, local planning authorities should apply, inter alia, the following principle:

“Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.”

- 11.50 A similar policy thrust is also found in Policy ENV7 of the adopted Uttlesford Local Plan. As such, it is necessary to consider whether the benefits of the proposal weigh in favour of the development.
- 11.51 The National Trust has considered the mitigation measures put forward as part of the proposal. These include the dog walking circuit off-site, on-site green open space, enclosed dog exercising area, trim trail and financial contributions to future monitoring, education and maintenance/management of Hatfield Forest SSSI/NNR.
- 11.52 The National Trust, and Natural England, welcome the provision of the mitigation measures. Natural England confirms that they have no objections to the proposals on the basis of these measures being secured, which can be done by way of conditions and/or s106 Legal Obligation.
- 11.53 The National Trust raised concerns that the applicant has not quantified the financial contributions as part of the mitigation package. This is as a result of there being a lack of a charging schedule in the current adopted Local Plan. However, following the extensive survey work undertaken by the National Trust by way of the Footprint Ecology ‘Visitor Survey and Impact Management Report’ mitigation measures to minimise the impacts on the Forest have been identified that can be quantified. As such a Botanical Monitoring Framework is being devised by the Trust, which would cost £11,000 (£13,200 including VAT). In addition, further maintenance works are required, which last year cost the Trust approximately £35,000.
- 11.54 The Trust has therefore requested that, in the interests of consistency and proportionality, if planning permission is granted, that a financial contribution of £40,740 is secured for the purposes of visitor and botanical monitoring, visitor and community education and infrastructure maintenance, is secured by way of a s106 Legal Obligation.
- 11.55 It should be noted that since the National Trust responded on this application they have submitted a Draft Hatfield Forest SSSI NNR Mitigation Strategy. This document forms one of the background documents to the emerging Local Plan and will be considered by the Examining Inspectors. The document identifies a range of measures to mitigate harms arising as a result of recreational impacts on the Forest. These include a Feasibility Study costing £22k, projects having a one-off capital cost of £1,331,900 and annual costs of £176,719, giving a total of £3,416,885 worth of mitigation measures.

- 11.56 Given the requirements of paragraph 175 of the NPPF it is therefore necessary to consider the planning balance. Mitigation measures can be secured as discussed above which negate the harm arising from the development. Planning benefits include the provision of 275 dwellings in an area where a 5 year land supply cannot be demonstrated (currently 3.29 years). This includes affordable housing and other benefits such as a new school site, financial contributions towards education and health provision, the provision of additional facilities for sports, including a car park for the local football club. On balance, it is therefore considered that the benefits of the proposal outweigh the harm to the SSSI at Hatfield Forest.
- 11.57 The ES concludes that, subject to the provision of mitigation measures relating to Hatfield Forest and the Flitch Way, the operational development would have a negligible to moderate beneficial impact. Therefore, subject to the appropriate mitigation being secured the proposal is considered to comply with Policy GEN7, Policy ENV7 and the NPPF. As such, the Environmental Statement is considered to be an appropriate assessment of the impacts of the proposals.

D Flood risk (ULP Policy GEN3; NPPF)

- 11.58 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 11.59 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 11.60 The Flood Risk Assessment accompanying the application identifies that the site is not in an area at risk of flooding. However, as the proposal is a major development, national policy requires the use of a sustainable drainage system (SuDS). The location of the site in close proximity to Stansted Airport does mean that attenuation basins are required to be dry, except in the event of heavy rainfall. This is to ensure that features attracting large numbers of birds are not introduced in close proximity to the operational airfield and thereby increasing the risk of bird strike. The applicant has confirmed that the attenuation basins will be predominantly dry features and London Stansted Airport Safeguarding team raise no objections to the proposals.
- 11.61 The Lead Local Flood Authority (Essex County Council) has considered the proposals and raises no objections to the proposals, subject to conditions. Full details of the design would be secured at the Reserved Matters stage and through the use of conditions. It is therefore concluded that the proposal accords with the above policies insofar as they relate to flooding.

E Contaminated land (ULP Policy ENV14; NPPF)

- 11.62 Policy ENV14 seeks to ensure that contaminated land is remediated so that it is fit for its final use. In this instance the site is agricultural land and therefore the risk of contamination is low. However, the Council's Environmental Health Officer has advised that a watching brief approach to development of the site is undertaken, to

ensure that any contamination risks encountered during the course of the development are suitably remediated. As such the proposals are considered to comply with Policy ENV14.

F Other material considerations (ULP Policies ENV4, ENV11, GEN6; NPPF)

- 11.63 Policy ENV4 seeks to protect heritage assets in the form of archaeological sites. Part of the site has been identified as being of a high archaeological sensitivity and as such this area is now identified as being allocated for use as open space to serve the development and the school playing fields.
- 11.64 The remaining area of the development still retains archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggests there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.
- 11.65 Impacts on heritage assets, including archaeology were considered in the Environmental Statement. In respect of archaeology the proposal, without mitigation measures was considered to have a Major Direct impact on regionally or locally significant heritage assets. The impact would be permanent and almost certain.
- 11.66 The most appropriate mitigation measure is the preservation by record, an approach that is supported by the County Archaeologist. This would reduce the impacts to slight (adverse). It is therefore recommended that a condition is imposed requiring trial trenching and excavation.
- 11.67 A further area of concern in relation to heritage assets relates to the recreational impacts in Hatfield Forest and the potential increased harm to the Scheduled Ancient Monuments located there, the Warren and Portingbury Hills. The Environmental Statement considered the potential impacts on these designated assets.
- 11.68 The ES considered that there were likely to be impacts on the Scheduled Ancient Monuments as a result of the proposals, particularly where rides (paths) cross the Scheduled Monuments. Increased visitor numbers also have the potential to alter the quiet and tranquil nature of the sites.
- 11.69 The proposed mitigation measures relating to the ecological impacts on the Forest are also relevant to the potential impacts on the Scheduled Monuments. The dog walking circuit is envisaged to draw visitors away from the Forest as they have access to an alternative site. This is considered to be an appropriate mitigation for the likely impacts.
- 11.70 Policy ENV11 states that noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 11.71 In this instance a MUGA is proposed as part of the proposals. This is likely to be used by the local community, in particular in the evenings or weekends. It is shown on the indicative drawing as being located close to residential properties and as such the use of the area could impact on the amenity of those occupiers.

- 11.72 The application is outline with all matters reserved and the location of the MUGA and its relationship with residential properties is not yet fixed. The Council's Environmental Health Officer recommends that a noise assessment of the potential noise impacts should be undertaken to inform the location, design and construction of the MUGA, including any proposed noise mitigation measures. This can be secured by condition.
- 11.73 A further potential source of noise is from plant and equipment associated with the neighbourhood building and the school. The use of the neighbourhood building will determine what, if any plant or equipment is needed. It is noted that A5 uses (hot food takeaway) are included in the development description. If an A5 use/uses are proposed then noise impact assessments associated with equipment will be required. However, this would need to be submitted and approved prior to the first use.
- 11.74 Policy GEN6 requires development proposals to secure appropriate infrastructure arising from the development. In this instance, the proposal seeks to provide additional infrastructure to serve the local area, including a car park which would provide additional facilities for the local football club. This would reduce on-street parking and improve highway safety. In addition, a MUGA and kick-about area are proposed which can meet the needs of the development but also provide additional facilities for the parishes of Takeley and Hatfield Broad Oak. However, it is noted that neither parish council wishes to receive these benefits. Likewise, there is no desire to receive the community building proposed. These elements could be provided and operated by a maintenance company and Members will need to decide what weight to give to these elements of the proposal. Officer's advice is that the improvement of sports facilities in the local area is welcome and makes a positive contribution towards health and wellbeing for the district.
- 11.75 The proposal also includes the provision of a 2.1ha site for an additional primary school. Essex County Council has confirmed that this provision would contribute towards the mitigation required as a result of increased pressure on education places as a result of these proposals. They have also requested financial contributions towards the construction of additional early years and childcare provision, primary school provision and secondary school provision.

G Emerging Local Plan policies

- 11.76 The policies in the emerging Local Plan currently have limited weight. They do not provide the basis of reaching a different decision to that considered in this report.

12. CONCLUSION

- 12.1 The following is a summary of the main reasons for the recommendation:
- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework. The benefits of the scheme would outweigh the adverse impacts of the proposal.
- B The proposal, subject to appropriate mitigation measures would not give rise to significant impacts on the local or strategic highway network.
- C Subject to appropriate mitigation measures being secured, the proposals would not

give rise to significant adverse impacts on ecology or the Hatfield Forest SSSI or NNR. Mitigation measures can also be secured to ensure there are no adverse impacts on the Flitch Way.

- D Subject to the creation of an appropriate SUDS system the proposals would not result in flood risk impacts.
- E The site has been used for agricultural purposes and the potential for contamination is low. A condition can mitigate any potential impacts.
- F Impacts on archaeological assets on the site can be mitigated by way of a trial and trenching condition to ensure a recording exercise is undertaken. Potential impacts on the Scheduled Ancient Monuments in Hatfield Forest can be mitigated by the measures to be introduced to mitigate ecology impacts. The proposals require the provision of various infrastructure mitigation measures which can be secured by way of conditions or s106 Legal Obligations.

RECOMMENDATION – Approval subject to the conditions and Section 106 Agreement.

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 31 July 2019 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
 - (i) **Provision of 40% affordable housing**
 - (ii) **Provision of education financial contribution**
 - (iii) **Transfer of 2.1ha site for education purposes**
 - (iv) **Provision of financial contribution for health (£108,507 index linked)**
 - (v) **Provision of financial contribution of £37,000 (index linked) for works to the Flitch Way**
 - (vi) **Provision of MOVA at the signalised junction of the B1256/B183, known as the Four Ashes**
 - (vii) **Provision of appropriate surfacing and drainage to relevant sections of footpath 23/5 and footpath 48/22**
 - (viii) **Provision of financial contribution of £40,740 for mitigation works at Hatfield Forest**
 - (ix) **Provision and transfer of dog walking circuit, including a fenced off green area of 1.35ha including a pond and picnic area**
 - (x) **Provision and transfer of open space, MUGA and trim trail**
 - (xi) **Provision and transfer of neighbourhood building and car park**
 - (xii) **Ensure adequate ongoing maintenance of SUDS system.**
 - (xiii) **Pay the Council's reasonable costs**
- (II) **In the event of such a variation to the extant obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:**
- (III) **If the freehold owner shall fail to enter into such a variation of the extant obligation, the Assistant Director Planning Services shall be authorised to refuse permission in his discretion at any time thereafter for the**

following reason:

- (i) Failure to provide 40% affordable housing**
- (ii) Failure to provide education financial contribution**
- (iii) Failure to transfer 2.1ha site for education purposes**
- (iv) Failure to provide financial contribution for health**
- (v) Failure to provide financial contribution for works to the Fritch Way**
- (vi) Failure to provide MOVA at the signalised junction of the B1256/B183**
- (vii) Failure to provide appropriate surfacing and drainage to footpath 23/5 and footpath 48/22**
- (viii) Failure to provide financial contribution for mitigation works at Hatfield Forest**
- (ix) Failure to provide and transfer the dog walking circuit, including a fenced off green area of 1.35ha including a pond and picnic area**
- (x) Failure to provide and transfer the open space, MUGA and trim trail**
- (xi) Failure to provide and transfer the neighbourhood building and car park**
- (xii) Failure to ensure adequate ongoing maintenance of SUDS system**

Conditions:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. Prior to the commencement of the development hereby permitted, a detailed construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:

- a) The construction programme and phasing

- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dusty, light and odour.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with Uttlesford Local Plan Policies GEN1 and GEN4 (adopted 2005) and the NPPF.

Justification: This pre-commencement condition is required to ensure the appropriate environmental mitigation measures are secured prior to works commencing.

4. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 17l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - Provide sufficient treatment for all elements of the development. Treatment should be demonstrated to be in line with the guidance within the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON: In order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, and to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

5. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

6. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. Prior to the commencement of the development hereby permitted a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and priority species and to allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (priority habitats and species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

8. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first residential occupation of the development hereby permitted.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing visitor and ecological monitoring and remedial measures to include monitoring use of the all-weather dog-walking circuit and associated habitat.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

9. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interests of preserving archaeological heritage assets, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF. Justification: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest. The geophysical survey submitted with the application shows

archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place. It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

10. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of preserving archaeological heritage assets, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

Justification: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially highly sensitive area of heritage assets. The HER records that excavation in advance of the construction of a short access into the development area identified medieval occupation indicative of settlement activity (EHER 45626-30). The desk based assessment of the site also identified its potential importance, lying close to the Roman Road from Braughing to Colchester (EHER 4697), to the immediate south of a Roman site (EHER 48342) recently excavated and to the west of Hatfield Forest. The geophysical survey submitted with the application shows archaeological features covering most of the site. Following discussions with the applicants the densest area of features has been removed from the scheme and will be situated beneath the grassed area to the south of the school.

The remaining area of the development still retains extensive archaeological deposits which will require assessment in advance of development. These deposits comprise a range of linear features and enclosures, probably of prehistoric through to medieval date. The geophysical survey suggest there are possible building remains in the eastern part of the site which may well relate to the recorded medieval remains from the small excavation that has already taken place.

It should be expected that the initial trial trenching will lead onto large scale open area excavation before any development commences.

11. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interest of preserving archaeological heritage assets in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

12. The details to be submitted in accordance with Condition 1 above shall include a detailed landscaping scheme to be approved in writing by the local planning

authority in conjunction with the Safeguarding Authority for Stansted Airport. The approved landscaping scheme shall be implemented as approved and no changes made unless written approval is sought from the local planning authority. The planting palette should contain no more than 25% berry-bearing species and minimise large canopy forming trees such as Oak and Scots Pine.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

13. The details to be submitted in accordance with Condition 1 above shall include a scheme for protecting nearby dwellings (existing and proposed) from noise arising from the use of the proposed Multi Use Games Area (MUGA). The MUGA shall not be brought into use and none of the affected dwellings shall be occupied until the approved scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of existing and future occupiers living in the vicinity of the MUGA, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

14. The details to be submitted in accordance with Condition 1 above shall include details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated. The development shall be implemented in accordance with the approved details.

REASON: To prevent any adverse impact from obtrusive or spillover light or glare on existing and future occupiers living in the vicinity of the MUGA and Kick About Area facilities in accordance with Uttlesford Local Plan Policy GEN5 (adopted 2005).

15. Prior to the first residential occupation of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

16. The details to be submitted in accordance with Condition 1 above shall set out the precise location, size and nature of the off-site habitats proposed in relation to the dog walking circuit. The dog walking circuit shall be accompanied by an updated Biodiversity Plan and a long term management plan. The management plan must

cover a period of a minimum of 15 years. Subsequently, the management plan shall be implemented as approved, or as updated in accordance with a revised plan submitted to and approved in writing by the local planning authority.

REASON: In the interests of protecting habitats and biodiversity in accordance with Uttlesford Local Plan GEN7 (adopted 2005) and the NPPF.

17. The details to be submitted in accordance with condition 1 above shall include a mitigation and monitoring report. The Report, which must be submitted to, and approved in writing by, the local planning authority, shall be produced in consultation with the National Trust and will be aligned with the National Trust's report entitled Hatfield Forest Visitor Survey and Impact Management 2018 (Footprint Ecology).

The Report will include specific, timetabled, measures relating to visitor and botanical monitoring, education and maintenance works to Hatfield Forest. The Report will set out the costs required in order to justify the financial contribution provided to the National Trust for visitor management at Hatfield Forest. The Report will be tied to the legal agreement with the National Trust. The Report will set out details for a regular feedback to the LPA for formal consultation with Natural England. The purpose of the Report shall be to implement effective visitor management and monitor the effects of the development upon Hatfield Forest. The content of the Report shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

The mitigation and monitoring report shall describe the results of funded measures which shall be submitted to the local planning authority at intervals identified in the report. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The mitigation and monitoring report will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policies GEN7 and ENV7 (adopted 2005) and the NPPF.

18. No part of the proposed development shall be brought into beneficial use or occupation until the following highway improvements have been carried out:

- the exit from M11 J8 on to the B1256 Takely road is to be widened to two lanes,

or a sum equate to the cost of same is to be paid to the district council to put against a larger scheme for M11 J8 (or alternative layout form having no less effect in terms of highway safety) subject to such design modifications as the appropriate Highway Authority may decide to make.

REASON: To ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and to satisfy the reasonable requirements of safety for traffic on the strategic road network, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

19. Prior to first occupation of the development hereby permitted, the access as shown in principle in drawing number IT1512/SK/01/A (14/06/17) shall be provided on to Station Road , including a footway extension and associated visibility splays of a minimum of 2.4m x 77m to the south and 2.4 x 93m to the north. In addition there shall be the provision of a pedestrian access onto Station Road of a minimum width of 2m as shown in principle on drawing number 6284/SK016/E .

REASON: To ensure that vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

20. Prior to first occupation of the development hereby permitted, the infrastructure as shown in principle in drawing number IT1512/SK/01/A (14/06/17) shall be provided on Station Road. These shall include but not be limited to:
- relocation of two bus stops and provision of raised kerbs, shelters, poles, flags, timetable casing and real time passenger information.
 - provision of a signalled controlled crossing, including relocation of traffic island and any required surfacing
 - provision of two Vehicle Activate Speed signs.
- The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

REASON: To provide access to sustainable forms of transport for users of the site and in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

21. Prior to first occupation the development hereby permitted appropriate pedestrian/cycle access to the Flitch Way to coincide with PROWs 48/22 and 23/5 at the western end of the site shall be provided, together with the provision of appropriate fencing and/or planting between the development and the Flitch Way.

REASON: To provide controlled access to the Flitch Way and improve the accessibility of the site by walking and cycling and protect it from uncontrolled use and damage, in accordance with Uttlesford Local Policies GEN1 and GEN7 (adopted 2005) and the NPPF.

22. Prior to first occupation of each of the residential units of the development hereby permitted, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport,

approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 20, and in accordance with the NPPF.

23. The layout of the development will be such that no gardens back on to Flitch Way and/or an appropriate buffer of at least 20 metres shall be provided between the Flitch Way and the development.

REASON: In order to protect the Flitch Way from uncontrolled use, littering and damage, and to protect the biodiversity of the Flitch Way, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

24. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

25. The SUDs scheme shall contain only dry basins, other than during flood events, with a quick draw time and no alteration to their design or operation shall be undertaken without the written approval of the Local Planning Authority, in conjunction with the Safeguarding Authority for Stansted Airport.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'.

26. The height of any buildings, structures, erections or works must not infringe any of Stansted Airport's protected obstacle limitation surfaces.

REASON: To ensure that Stansted Airport's obstacle limitation surfaces are protected and to ensure the safe operation of aircraft.

27. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the local planning authority without delay. Any land contamination identified shall be remediated to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Uttlesford Local Plan Policies GEN2, GEN4 and ENV14 (adopted 2005).

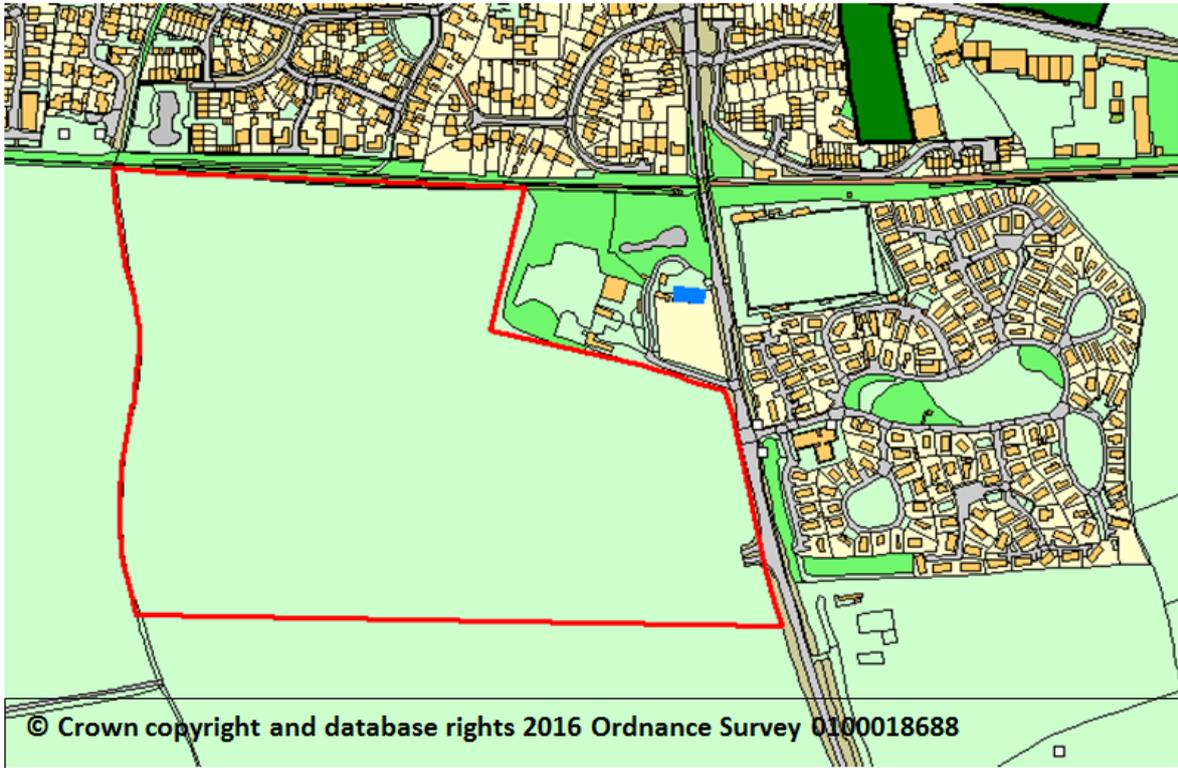
28. Prior to the first use of any part of the neighbourhood building in use class A3 or A5 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)), a scheme containing full details of arrangements for internal air

extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out, unless otherwise agreed beforehand in writing with the local planning authority.

REASON: To protect the amenities of existing and future residential occupiers living in the vicinity of the Neighbourhood Building, in accordance with Uttlesford Local Plan Policy GEN4 (adopted 2005).

29. Noise resulting from the operation of any external plant at the proposed school and/or neighbourhood buildings shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing and future occupiers living in the vicinity of the school and Neighbourhood Building, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 05 July 2019

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UTT/18/3529/OP – FELSTED

Major application

PROPOSAL: Outline application for residential development of up to 30 no. dwellings with associated roads and infrastructure with all matters reserved except access

LOCATION: Land to the South of Braintree Road, Felsted

APPLICANT: Mr O Hookway, Go Braintree Road Ltd

AGENT: Miss K Palmer, Go Planning

EXPIRY DATE: 29 March 2019 (extension of time 28 June 2019)

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside development limits/adjacent conservation area/within Essex Coast RAMS Zone of Influence

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located on the southern side of Braintree Road on the eastern edge of the village of Felsted. The site itself is irregular in shape, relatively level and comprises of approximately 2.67 hectares.

2.2 The site is vacant of any built form and remains as open grassland used for agriculture. Extensive vegetation in the form of hedgerows consisting of a mixture of shrubs and bushes along with a variety of tree species are located along the boundaries of the site. Three distinctive oak trees are located centrally within the northern half of the site.

2.3 The site currently has a single gated vehicle access point off Braintree Road that is used to provide access for farm vehicles. In addition, two public rights of way intersect the site that provides pedestrian access linking Jollyboys Lane to the west to the open countryside to the east.

2.4 Residential dwelling units that consist of a variety of different building forms, sizes and scales are located to the north of the site that front onto Braintree Road and also along the north western boundary of the site. Playing fields consisting of sports pitches and a playground are located to the south west of the site. Large fields used for agriculture are located to the south and east of the site.

3. PROPOSAL

3.1 Outline consent is sought for the erection of up to 30 dwellings with all matters reserved apart from access.

3.2 The site would have a new vehicle access onto Braintree Road approximately 30m west of the existing access which is proposed to be blocked up.

3.3 The application is accompanied by illustrative master plan (ref 2018-969-002 Rev B) which illustrates the general layout of the residential scheme that includes the principle of the road network within the site and the layout and siting of the proposed dwellings. In addition, the layout includes a local open space areas within the site and areas for an attenuation basin to contain surface water runoff set within the north eastern corner of the site.

3.4 Although design and appearance is reserved for later assessment if outline permission is granted, the applicant suggests within their planning statement that the dwelling units will be in the form of family homes ranging from 1 to 5 bedroom dwellings. It is suggested that the scale would be 1 to 2 storey development with a maximum ridge height of 9 metres. Furthermore, the applicant is prepared to enter into an agreement by way of a S106 Legal Obligation that 40% of the dwellings on site will be affordable housing.

4. APPLICANT'S CASE

4.1 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as drainage and refuse strategies, heritage and contamination assessments, ecology data as well a transport and flood risk assessment to name just a few have also been submitted in support of the proposal.

4.2 The applicant considers that the proposed residential scheme would provide much needed family homes in a highly sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

4.3 The applicant is willing to enter into a s106 Legal Obligation to secure the following mitigation measures:

- Education provision financial contribution
- Financial contribution towards visitor Management Measures at the Blackwater Estuary SPA and Ramsar site
- £250,000 contribution toward the upgrading of community amenities in accordance with Policy VA3 of the draft Felsted Neighbourhood Plan
- £1000 towards upgrading of cycle parking in Felsted village centre
- £11,500 financial contribution towards a parking management scheme for Felsted village
- Healthcare contribution if required
- Management company to maintain the SuDS

5. RELEVANT SITE HISTORY

5.1 UTT/16/0287/OP: Outline application for up to 55 dwellings, means of access and associated works, with all other matters (relating to appearance, landscaping, layout and scale) reserved. Refused and dismissed at appeal due to inappropriate form of development with a scale and layout akin to development found at Flitch Green, and the loss of best and most versatile agricultural land.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 – Infrastructure Provision to Support Development

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV1 – Design of development within Conservation Areas

Policy ENV2 – Development effecting listed buildings

Policy ENV3 – Open Spaces & Trees

Policy ENV5 – Protection of Agricultural Land

Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation

Policy H1 – Housing development

Policy H9 – Affordable Housing

Policy H10 – Housing Mix

6.3 Supplementary Planning Policy

SPD Accessible Homes & Play Space

SPD Parking Standards Design & Good Practice September 2009

SDP Uttlesford Residential Parking Standards

Essex Design Guide

Emerging Local Plan

Policy SP1 – Presumption in Favour of Sustainable Development

Policy SP2 – The Spatial Strategy 2011- 2033

Policy SP3 – The Scale and Distribution of Housing Development

Policy SP10 – Protection of the Countryside

Policy SP12 – Sustainable Development Principles

Policy H1 – Housing Density

Policy H2 – Housing Mix

Policy H6 – Affordable Housing

Policy H10 – Accessible and Adaptable Homes

Policy TA1 – Accessible Development+

Policy TA2 – Sustainable Transport

Policy TA2 – Provision of Electric Charging Points

Policy TA3 – Vehicle Parking Standards

Policy INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches

Policy INF4 – High Quality Communications Infrastructure and Superfast Broadband

Policy D1 – High Quality Design

Policy D2 – Car Parking Design

Policy D8 – Sustainable Design and Construction

Policy EN3 – Protecting the Significance of Conservation Areas

Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 – Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN12 – Protection of Water Resources
Policy C1 – Protection of Landscape Character

7. PARISH COUNCIL COMMENTS

7.1 January 2019: The PC believe that this is a re modelling of a planning application that was recently rejected by UDC and rejected on appeal. The PC have no reason to change their opposition to this. The site is in an area where open countryside policies S7 of the existing Local Plan and SP10 of the draft Local Plan apply. There are two major sites allocated for housing within Felsted. This site is not part of the allocation of housing within the emerging Local Plan or the emerging neighbourhood Plan. Within the application there is inference that this is delivering a need within the Neighbourhood Plan of a new community hall. There has been no consultation in this regard. The Memorial Hall Committee have stated publicly that they do not wish to relocate to a new hall in this location. Access to a village hall via Jolly Boys Lane North is wholly inappropriate as this is a single track road not constructed to full highway standards. It was discussed as an option within the early Neighbourhood Plan and the drafting process rejected it in favour of leaving the hall in its current location. Although main access to the site seems acceptable, sight splays are inadequate.

Re S106 Heads of Agreement document: Under provision of community building para 3 there is a statement that financial support for this proposal will come from Felsted Community Trust. The developers have no control over the spending of money which might be held by the Trust and this aspect should therefore be removed from this application.

April 2019 (Revised Plans): A former application albeit larger was refused on appeal and again on judicial review. Although we acknowledge that this is a scaled down version the same principles apply. The site is in an area where open countryside policies S7 of the existing Local Plan and SP10 of the draft Local Plan apply. There are two major sites allocated for housing within Felsted. This site is not part of the allocation of housing within the emerging Local Plan or the emerging Neighbourhood Plan. For the integrity for both of these processes this application should be refused. The accumulating effect for education provision for all of the recent applications cannot be met by the current education facilities and the PC question how this can be allowed.

8. CONSULTATIONS

ECC Flood and Water Management:

8.1 4 January 2019: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Since your pre-app the climate change allowance required for developments with the lifespan of 2060-2115 (i.e. residential developments) has increased to 40%. Therefore, an allowance for 40% climate change is required.
- In any storage calculations, we would also want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management

for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority" (page 32).

• As stated in the Ciria SuDS manual, sediments should be removed as high up the treatment train as possible. Therefore, further treatment stages should be provided close to the initial point of rainfall to reduce the chances of sedimentation build up.

14 January 2019: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we would not that no additional information has been provided to address the points raised previously. Therefore our previous recommendation of a holding objection remains.

24 June 2019: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission subject to conditions.

ECC Highways:

- 8.2 February 2019: We have concerns in highway terms about the proposed vehicular access onto the Public Right of Way Jolly Boys Lane for the community hall. We would not want additional traffic on the byway which is not designed or maintained to take high vehicular traffic. Additional traffic may not only be attracted from the north – a single track road but also from the south which does not have a surface appropriate for additional vehicles. There are private rights over it and it is not owned by ECC so undertaking any resurfacing required could be challenging from a legal point of view.

We did not object on highway grounds to the previous application however that had only walking and cycling access onto Jolly Boys Lane, if this application took a similar approach we would be more positive towards it.

10 June 2019: In terms of highways and transportation this application has been reviewed in reference to National Plan Policy Framework 2019 and in particular paragraph 108 which identifies three key aspects of any development, sustainable transport links, safe and suitable access and highway capacity and safety. Site visits were undertaken at the proposed location and within the village as part of the review.

The original 2018 proposal has been changed so that no vehicular access is taken onto Jollyboys Lane to which is a Public Right of Way. Mitigation has been put forward in the form of a footway to the nearest bus stop; a contribution to a parking management or enforcement scheme to be agreed by NEPP and Essex Highways; a contribution to cycle parking within the village centre and appropriate treatment of public rights of way within the development. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

ECC Education:

- 8.3 No objection – Essex County Council request that any permission for this development be granted subject to a S106 agreement to mitigate its impact on education. Should the final development result in the suggested unit mix, the following contribution would be payable;

The early years and childcare contribution would be £47,039.

The primary education contribution would be £137,529.

Total sum of £184,668

ECC Historic Environment officer:

- 8.4 No objection - subject to conditions in relation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation is undertaken prior to any works commencing on site.

ECC Ecology Advice:

- 8.5 No objection subject to securing
a) Appropriate financial contribution for visitor management measures at the Blackwater Estuary SPA and Ramsar site and
b) Biodiversity mitigation and enhancement measures.

Anglian Water:

- 8.8 No objection - The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

London Stansted Airport Safeguarding

- 8.6 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

Environmental Health Officer

- 8.7 This planning application seeking outline planning consent for the erection of up to 30 dwellings together with a community building (village hall). It is a revised scheme to one that was submitted under UTT/16/0287/OP for the construction of 55 dwellings on site. The previous application was refused at both the application stage and on appeal.

The applicants have submitted a noise impact assessment report and a Phase 1 Contaminated Land Desk Top Study Report. An Air Quality Impact Assessment was submitted with the original 2016 application, but has not been submitted with this application, presumably because of the reduced number of dwellings proposed for

the site. Both the noise impact assessment and Phase 1 reports are the original reports prepared and submitted in support of the original 2016 application. The site is currently an agricultural field situated to the south of Braintree Road in Felsted. There are existing residential properties to the north and west of the site, whilst the southern and eastern boundaries adjoin further agricultural fields. There are a number of sports pitches and a floodlit Multi-Use Games Area to the south-eastern boundary of the site.

The current proposal differs from the previous scheme which was purely residential in nature. The current proposed development includes the construction of a community building (village hall) to the rear of the site. The new village hall would be accessed via the existing Jollyboys Lane North. This is an existing residential road and cul-de-sac. The proposed village hall is a potential noise source that has not been taken into account in the noise assessment that is based on the original (and refused) planning application for residential dwellings. The introduction of the village hall with car park is likely to increase road traffic using Jollyboys Lane, including evening and weekend trips depending on the activities undertaken at the village hall. This will increase noise from traffic on this route and may therefore impact on the amenity of existing residents on that road. The extent of this impact should be assessed as part of an updated and robust noise assessment for the development as now proposed. Furthermore, depending on the events held at the hall, noise from people using the car park in the evenings and at weekends, and also from the hall itself, could impact on those residents closest to the proposed hall site, including new dwellings proposed for the rear of the site. These potential noise impacts have not been considered and assessed as the noise assessment for the site has not been updated to take account of the proposed changes to the development.

In view of the above, I am unable to support this application as presently submitted as the noise assessment is out of date and no longer relevant to the development of the site as proposed. I must therefore object to the development as presently submitted.

If you are minded to approve the application then conditions should be imposed relating to noise mitigation measures.

Housing Enabling Officer

- 8.10 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 30 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 2 bungalows across the whole site delivered as 1 affordable units and 1 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

SMHAA 2015 Figures	South of Braintree Rd, Felsted UTT/18/3529/OP				
	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent	1	4	3	1	9
Shared Ownership	0	2	1	0	3
Grand Total	1	6	4	1	12

Crime Prevention Officer

- 8.11 It would appear that the housing towards the south of the development is devoid of any boundary to the proposed village hall and car park. We have concerns that this may provide a crime or ASB opportunity to the adjacent housing. It is noted that there is a footpath halfway up the development into the village which would provide sufficient permeability. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

9. REPRESENTATIONS

- 9.1 The application has been advertised and 82 letters of representation have been received in respect of the original plans raising the following points.

- The proposal due to the increase number of vehicles would result in additional traffic congestion on surrounding highways that would be detrimental to highway safety.
- There is a lack of vehicle parking in the village centre. The proposal would add to this problem.
- It would consist of a poor access especially at school pick up and drop off times.
- Access to this site is on a bend where many cars already exceed the speed limit. There's an increased risk of accidents with additional traffic and a turning to this site.
- The proposal would result in a loss of green space.
- The proposed development would be visually intrusive.
- The development would be out of character in context to the village.
- The unique character of Felsted as a rural village will be spoilt.
- The proposal would be detrimental to the character and openness of the countryside.
- The proposed development would result in significant increased pressures upon local amenities such as schools and the doctor's surgery.

- The proposed development would result in increase pressure upon the local sewage and water network.
- Other housing developments within the surrounding locality have not been taken into consideration in terms of the cumulative effect on local pressures.
- The land is rated as good to very good agricultural land and thereby should be protected and free of development.
- The proposed development would result in increased noise and light pollution during and after construction.
- The proposal would have a detrimental impact to local wildlife, biodiversity and ecology.
- The proposal would result in a harmful impact to the amenities of adjoining occupiers in relation to loss of privacy.
- There is no requirement for another community hall. Existing hall is to be refurbished

9.2 The application was readvertised following the receipt of revised plans and 23 letters of representation have been received raising the following points.

- Reiterate previous concerns
- Financial contributions are a softener
- Essex Coast Mitigation doesn't mitigate impacts on Felsted

9.3 A letter from the Neighbourhood Plan Steering Group has been received raising the following points:

Not supported by Felsted Neighbourhood Plan or Local Plan
 Previous application refused and dismissed at appeal
 Village Hall is not consistent with aims of Felsted Neighbourhood Plan
 Neighbourhood Plan is at an advanced stage and ready for submission for examination

The objectives set out in the Neighbourhood Plan are the consequence of four years of community consultation. The Policies within it are intended to enhance and strengthen the long-term sustainability of our Parish, whilst also recognising the obligation we have to support the level of development required by UDC. This planning application for 30 houses is, in our view, neither needed to meet that requirement nor sustainable. If approved, it would have a damaging impact on the future growth and security of the facilities and amenities that support our community.

Under the Regulation 19 UDC Draft Local Plan Felsted is given a housing requirement: our Neighbourhood Plan allocates sites to reflect this. We have worked hard with land owners and their representatives to determine a strategic plan. The Plan delivers the necessary dwellings that UDC require and also delivers vital long-term benefits for our community through the provision of a larger Doctors' Surgery (wholly supported via our Neighbourhood Plan by the NHS West Essex Clinical Commissioning Group), and car parking and pick up / drop off facilities for our primary school, in addition to many policies to protect and enhance our environment.

As our Plan is shortly to be submitted for Examination it should carry "significant weight" in this application. Allowing this application would threaten the integrity of the Neighbourhood Planning principles of "localism".

The 2018 NPPF refers to Neighbourhood Plans in relation to the consideration of the Presumption in Favour of Sustainable Development. Paragraph 14 states

"permission should not usually be granted in situations where such an approval fails to protect assets of particular importance". It continues, "the Framework provides a clear reason for refusing development, where any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Paragraph 12 states "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted".

The NPPF confirms in paragraph 14(b) that these provisions apply in the consideration of "The presumption in favour of sustainable development" only where "the neighbourhood plan contains policies and allocations to meet its identified housing requirement". The Felsted Neighbourhood Plan does exactly that. Felsted has and will continue to contribute around three times the expected dwelling numbers for a "type A" village within Uttlesford as identified in Regulation 19 of the UDC Draft Local Plan. However, Parishioners are being pushed to their limit of tolerance for unwanted developments which fail to contribute positively to the future sustainability of our community. If these further 30 dwellings, outside the planning envelope in open countryside, are approved, increasing our housing number by around 50%, there is every likelihood that the residents of Felsted will resolve that accepting a further 63 "enabling" dwellings is a step too far and, as a consequence, they will refuse to support the Plan at referendum resulting in the loss of vital amenities.

A great deal of community time and effort has been invested in the preparation of the NP. Allowing this application, not supported by either our Neighbourhood Plan or the UDC draft Local Plan would undermine confidence in the planning process which forms part of the social dimension of sustainability and which, the NPPF in paragraph 8 advises, includes supporting strong, vibrant communities.

9.4 May 2019: I write as Chair of the Felsted Neighbourhood Plan Steering Group to advise that our Neighbourhood Plan was submitted to Uttlesford District Council (UDC) for formal Examination on Monday 13th May, 2019. I appreciate that the official Standard Consultation Expiry Date has passed but would nevertheless ask that you consider the increased Material Weight of our Plan having been submitted for Examination, during your deliberation.

Our Plan, strategically developed following extensive community consultation, which "contains policies and allocations to meet its identified housing requirement" and which is therefore "genuinely plan-led" has now been submitted under Regulation 15 and therefore carries increased "material weight", particularly with regard to NPPF paragraph's 11-14, as UDC are able to demonstrate a housing supply in excess of 3 years.

As detailed in our formal submission to this application submitted on January 24th, the Felsted Neighbourhood Plan does not support this site but does allocate two other sites which deliver the number of dwellings to reflect allocations for Felsted in the emerging Local Plan.

10. APPRAISAL

The issues to consider in the determination of the application are:

A The principle of development of this site for residential development (ULP

- Policies S7, GEN2 and NPPF)**
- B** Loss of Agricultural Land (ULP Policy ENV5 and the NPPF).
- C** Visual Impact and Impact upon the Countryside. (ULP Policy S7 & GEN2, and NPPF)
- D** Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- E** Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- F** Landscaping and open space (NPPF, Local policy GEN2)
- G** Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- H** Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- I** Residential Amenity (ULP Policies GEN2, GEN4, ENV11 and NPPF)
- J** Infrastructure provision to support the development (ULP Policy GEN6 and the NPPF)
- A** The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)

- 10.1 The application site consists of a modest area of land approximately 2.7 hectares in size located within the open countryside on the edge of Felsted. The site is outside the development limits of Felsted as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. It should be noted that the Secretary of State has previously given significant weight to Policy S7, and Inspectors consistently give it moderate weight.
- 10.3 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The latest trajectory indicates that the Council can demonstrate a 3.29 year land supply with a 147% delivery rate over the past 3 years.
- 10.4 Paragraph 14 of the NPPF refers to development having conflict with a neighbourhood plan. It states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits when **ALL** the following apply:
- a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement

- c) The local planning authority has at least a 3 year supply of deliverable housing sites
- d) The local planning authority's housing delivery was at least 45% of that required over the previous three years.

10.5 A large proportion of the representations make reference to the Felsted Neighbourhood Plan and two letters have been received from the Steering Group. It is acknowledged that the Neighbourhood Plan has been submitted for Examination and that it makes allocations for housing. However, it is not currently part of the development plan and still has several stages to go through, including a referendum. Therefore, all of the criteria set out in paragraph 14 of the NPPF do not apply and the presumption in favour of sustainable development in paragraph 11 applies.

10.6 When considering the same issue for development at Maranello the Inspector stated:

"I appreciate that local residents have been working for a prolonged period on the FNP and that there are concerns that the cumulative impact of the recently approved and proposed developments could jeopardise gaining approval for the FNP at referendum. Nevertheless, there is little evidence before me to indicate that the cumulative effect would be so significant, that to grant permission would undermine the plan-making process.

Whilst the site is currently not allocated for proposed housing and would be in conflict with the emerging FNP Policy HN5 I have little evidence as to whether there are or would be any objections to the allocations or that policy. Nonetheless, with regard to paragraph 48 of the Framework whilst the FNP is at a fairly advanced stage it is yet to be publicised by the Council and has not been examined or put to referendum. As such, I give the conflict with this policy moderate weight."

10.7 Similarly, in respect of the appeal at Land adjacent to Clifford Smith Drive, the Inspector stated:

"I recognise the effort and time that has been invested in the preparation of the FNP, the response by statutory consultees, that vocal support may have been given for the FNP by Council members as well as other concerns including that the progress of the FNP would be undermined by approval of the scheme. I also note that submission of the draft FNP for Final Examination has been delayed by issues relating to Natural England. However, since the FNP has not been approved at referendum and that there is no certainty that it would be brought into force in its current form, I attribute it only limited weight."

10.8 The Felsted Neighbourhood Plan has been submitted and a Regulation 16 consultation period is being undertaken, running from 12 June to 24 July 2019. As such, the FNP still has to be considered at Examination and to pass a referendum. Like the Inspector at the Clifford Smith Drive appeal I give the FNP limited weight.

10.9 Paragraph 11 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and

simultaneously. It is therefore necessary to consider these three principles.

- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement and is not currently identified for development. The proposal put forward for assessment represents a very significant scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Felsted and the area as a whole where most facilities, services and employment will be found.
- 10.12 The village of Felsted has a reasonable amount of local amenities and services to facilitate the needs of its local residents that includes schools, public houses, shops, a church, doctors surgery, a community building and a restaurant to name just few.
- 10.13 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the settlement of Felsted.
- 10.14 The proposal itself would bring economic benefits to the settlement of Felsted supporting local services and amenities such as the local public houses, shops and restaurants as a result of the future occupiers of the development. In addition the proposal would provide some positive economic contribution during the construction process of the development.
- 10.15 Although it is noted that there are limited opportunities for employment within the village, it is regarded that the application site has reasonable connectivity to larger nearby towns by way of public transport such as Braintree, Great Dunmow, and Chelmsford further beyond. As such the proposal would also help contribute in providing economic support to the wider surrounding area.
- 10.16 As a result, the development provides a positive economic approach that satisfies the economic dimension of sustainability in the NPPF.
- 10.17 Social Role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 10.18 The proposal would include the erection of up to 30 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and there is no reason in why the built environment should not be high quality as required by the Framework, but this would be subject to later consideration under a reserved matters application.
- 10.19 The application site is approximately 600m from the village centre in where most of the local amenities and facilities are. With the proposed extension of the existing footpath to the sites entrance along the southern side of Braintree Road along with access to nearby bus stops, it is considered that although the application site is on the edge of the village, it would form an inclusive development that would provide convenient access to the local services within Felsted and to the wider surrounding

area.

- 10.20 Future occupiers could rely on the village to provide most of their day to day needs such as health, social and cultural well-being as well as shopping ensuring and promoting the village as an appropriate mixed and well balanced community.
- 10.21 It is considered that the proposed development has been designed to ensure access gives priority to sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars.
- 10.22 The proposal would make a contribution towards the delivery of the housing needed for the district, including provision of affordable housing, and housing designed to be accessible as per Part M of the Building Regulations.
- 10.23 As a result, the development provides a positive approach that satisfies the social dimension of sustainability in the NPPF.
- 10.24 Environmental Role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste.
- 10.25 The application site is a modest size plot of open land in the countryside in which part of it backs onto a conservation area. It is recognised that the proposal would have some limited impacts as it would result in the encroachment of built form into the open countryside. The applicant recognises this and as part of the proposal, the development is to incorporate measures to safeguard and mitigate were possible to enhance the environment in and around the site. Some of these measures include enhancing biodiversity, safeguarding existing trees and hedges and providing reinforce planting along the boundaries, provide sustainable drainage systems, and to retain and enhance the public rights of way through the site. Emerging local policy together with national policy can ensure that the dwellings will include sustainability measures including electric vehicle charging points, which can be secured by way of a condition.
- 10.26 The previous application was dismissed at appeal due to the density and layout of the proposals. The previous scheme related to a density of about 20.4 dwellings per hectare and this revised proposal relates to about 12 dwellings per hectare. The previous density amounted to what the Inspector referred to as an “urban form akin to that found at Flich Green, with a clustered form, rather than the ribbon/short spur feature which is characteristic of the settlement of Felsted of which the appeal site directly abuts on its eastern edge”.
- 10.27 The current scheme still retains the single point of access but now the indicative drawings indicate dwellings in relatively large plots loosely clustered around short private drives. Whilst layout is a reserved matter, the indicative layout plan shows that a more sensitive and appropriate form of development can now be achieved given the lower density proposed. By comparison, the Maranello development recently allowed at appeal was 18.6 dwellings per hectare, and the Clifford Smith Drive development was 17.6 dwellings per hectare.
- 10.28 The second area of concern in respect of environmental impacts in relation to the previous scheme was the impacts on the setting of the adjacent conservation area. The Inspector considered this and concluded that the proposal would not result in harm or loss to the significance of the designated heritage asset in the form of the Felsted Conservation Area. Given the reduction in density of this scheme it is

considered that this proposal would also not result in harm or loss to the significance of the Conservation Area.

- 10.29 Similar issues were raised during the previous appeal in respect of impacts on adjacent listed buildings. Again, the Inspector did not find that the proposal would have any adverse impact on the setting of nearby listed buildings. This scheme would also not result in harm to the heritage assets.
- 10.30 The scheme would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development in this respect as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 10.31 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.

B. Loss of Agricultural Land (ULP Policy ENV5 and the NPPF).

- 10.32 Paragraph 170 of The Framework states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...”*
- 10.33 Footnote 53 states that *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*
- 10.34 Annex 2 of The Framework defines *“best and most versatile agricultural land”* as *“land in grades 1, 2, and 3a of the Agricultural Land Classification”*.
- 10.35 Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 10.36 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3.
- 10.37 This is an area where there has been inconsistency in approach by Members and the Inspector in respect of the appeal on this site. In this instance Members overturned the previous officer’s recommendation for approval and refused the application on the basis that it impacted on Best and Most Versatile Agricultural Land (BMVAL). A similar approach has not been taken in respect of other officer overturns, including land at Clifford Smith Drive and Maranello, both in Felsted.
- 10.38 There are no defined thresholds for “significant” in terms of BMVAL. Consultation with Natural England is only required for developments exceeding 20 hectares and this site obviously falls below that threshold.

- 10.39 In the appeal on this site it was the Council's argument that the development would result in the complete loss of the agricultural field and thus represented a significant development. The Inspector accepted this argument and concluded that the proposal was contrary to Policy ENV5 and paragraph 112 of the NPPF (now replaced by paragraph 170).
- 10.40 As stated above, the Council has taken an inconsistent approach in respect of this matter. Other appeals have argued that the loss of agricultural land is accepted due to the fact that there are insufficient brownfield sites in the District to meet the housing needs. As already stated, the majority of the allocations in the emerging Local Plan are on agricultural land of Grade 2 or 3.
- 10.41 In relation to the proposed development of 600 to 700 houses and accompanying commercial development on land at Easton Park (appeal dismissed), the Secretary of State found as follows:
- "The Secretary of State agrees with the Inspector at IR15.47 that the scheme would mean the loss of a certain amount of BMV land to provide housing, other buildings, infrastructure and the landscaping buffer contrary to policy ENV5. The Secretary of State agrees with the Inspector that the loss of BMV agricultural land weighs against the proposal, and he affords this limited weight as much of the land around is within the BMV categories and it would be difficult to not to use high grade land if further housing is to be built on greenfield land in the district."*
- 10.42 Similarly, in respect of a proposal for 800 houses in Elsenham/Henham/Ugley (appeal dismissed) the Secretary of State found as follows:
- "The Secretary of State agrees with the Inspector for the reasons given at IR 15.70 that the loss of BMV land caused by the development would be contrary to LP policy ENV5 and this weighs against the proposal. He gives limited weight to harm through the loss of BMV agricultural land and to conflict with LP Policy ENV5 as there are no substantial areas of lower grade land close to existing settlements in Uttlesford."*
- 10.43 On this basis, it is considered irrational to uphold the Inspector's findings in relation to the previous appeal on this site. It is agreed that the proposal would result in the loss of BMVAL and that this would be contrary to policy. However, this would need to attract limited weight due to the lack of lower grade agricultural land in the district and the lack of brownfield sites. The loss of BMVAL therefore needs to be considered in the context of the sustainability considerations of the proposals. As discussed above, it is considered that the proposals deliver benefits that result in a sustainable form of development and this would outweigh the limited harm arising from the loss of BMVAL.
- C. Visual Impact and Impact upon the Countryside. (ULP Policy S7 & GEN2, and NPPF)**
- 10.44 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. Paragraph 170 of the NPPF confirms that planning should recognise *'the intrinsic character and beauty of the countryside'* and the impact of development on the countryside is an accepted and material consideration.
- 10.45 A landscape and visual appraisal was submitted in support of the application. The

assessment indicates that the application site is generally well contained although views are obtained from a number of properties, PROWs and roads in the immediate vicinity and from more distant areas occupying elevated topography to the east.

- 10.46 The assessment confirms that the proposed development has been shaped, in part, by the findings of the Landscape and Visual Assessment and this has informed the proposed layout of the residential areas as well as the extent and arrangement of open space.
- 10.47 The assessment sets out a number of strategic objectives for the landscape treatment of the application site, including the retention of existing landscape features and reinforcing elements where required to help provide additional natural screening. Furthermore it is stated that the proposal would enhance opportunities for recreation and habitat connectivity throughout the application site as well as providing a network of green infrastructure.
- 10.48 Although the application is for outline consent with matters of layout, scale, appearance and landscaping to be considered at the reserved matters stage, the illustrative masterplan demonstrates how the site could be developed.
- 10.49 The master plan indicates that the general highway layout of the site would consist of a singular vehicle access point of Braintree Road with the single adopted highway running in a north south direction with individual private drives serving a small number of houses flowing off it. The residential units would front onto the internal highways and onto Braintree Road itself with overall density of the site expected to be approximately 12.6 dwellings per hectare.
- 10.50 It is acknowledged that the proposed development would erode into the open countryside however given the location of the site on the edge of settlement boundary, backing onto existing residential gardens, and the nature and character of the proposal, the site itself and its wider setting, it is considered that the proposal would only result in limited harm in terms of the visual impact as a whole on the character and appearance of this part of the countryside.
- 10.51 Weight has also been given in relation to the proposed mitigation measures in which the applicant suggests that in addition to other benefits, reinforced landscaping would help mitigate the impact of the development upon the wider countryside. However it is noted that even with the retention of the existing vegetation and the proposed reinforced measures, the proposal would still be largely seen from a number of public vantage points. Nevertheless, it is considered that views towards the development would be predominantly seen in context of with the settlement itself rather than resulting in significant visual and landscape impacts to the wider countryside.
- 10.52 It is acknowledged that the proposal would alter the character of the site from agriculture land on the settlement edge of Felsted to urban as a result of the proposed development. However, it is considered that on balance, although the proposal would extend into the open countryside the benefits of the development particular that of supplying much needed housing within the district and maintaining a rolling 5 year housing supply amongst other things within a sustainable location would outweigh the limited harm it would have upon the open countryside.

D. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)

- 10.53 Key to local concerns, and raised during the course of the public consultation was the effect in which the proposed development would have upon highway safety due to the increase amount of traffic movements to and from the site resulting in unwanted traffic congestion on the surrounding highway networks and junctions.
- 10.54 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.55 The application includes details of the proposed access to the site for approval at this stage. This single vehicle access point off Braintree Road allows a primary movement corridor through the site.
- 10.56 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.57 The application was consulted to Essex County Council Highways who made the following comments:
- 10.58 *“The original 2018 proposal has been changed so that no vehicular access is taken onto Jollyboys Lane to which is a Public Right of Way. Mitigation has been put forward in the form of a footway to the nearest bus stop; a contribution to a parking management or enforcement scheme to be agreed by NEPP and Essex Highways; a contribution to cycle parking within the village centre and appropriate treatment of public rights of way within in the development.”*
- 10.59 Based on the information submitted with the application, the application is considered to be appropriate in terms of highway impacts and no objections are raised by the Highway Authority subject to conditions.
- 10.60 The following financial contributions are sought from Essex County Council by way of a S106 Agreement to help mitigate highway issues:
- £1,538 (index linked) to contribute towards the upgrade cycle parking in the village centre;
 - £11,788 to fund elements of the scheme in principle of drawing number 17227-4 or such schemes and/or enforcement as approved by the Highways Authority and NEPP to provide benefit in terms of safety and congestion relief in the village.
- 10.61 Given that County have raised no objection and subsequent to the above financial contributions being sought as well as imposing relevant planning conditions, it is considered that the amount of traffic generated from the development could be accommodated and that there would be little impact upon the traffic flow on the surrounding highway network and particularly that along Braintree Road.
- 10.62 In terms of the new access itself, it is regarded that there would not be a detrimental impact upon highway safety.
- 10.63 As part of the proposed development, the existing footpath along the southern side

of Braintree Road would be extended to link up to the site's entrance and slightly beyond with the intention of providing a safe convenient pedestrian access into the village centre of Felsted and to the nearby bus stop on the junction of Jollyboys Lane. This would help encourage movement by other means than a car from the site and be beneficial in that it would help ensure and take into account the needs of cyclists, pedestrians or people who are mobility impaired to gain access into the village of Felsted and beyond.

- 10.64 There are two Public Rights of Way (PROW) within the site (shown on drawing number 2018-969-002B). PROW 48 and 110 intersect the site in a west east direction that link Jollyboys Lane to the west and the open countryside to the east.
- 10.65 The previous application on this site did not clearly demonstrate how the PROWs within the site would be treated as part of the development. This scheme clearly indicates the PROWs and shows them to be widened to 3m and accommodated within the scheme. The road layout has been designed around the routes of the PROWs with the indicative drawings indicating houses overlooking the paths thus ensuring natural surveillance in these areas.
- 10.66 The proposed vehicle access is deemed acceptable and that the proposed development would cause no harm to matters of highway safety. The development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

E Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)

- 10.67 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Councils approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.68 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage but at this stage it is envisaged that the development would provide a mix of 1 to 5 bedroom units, made up of 18 market houses and 12 affordable dwelling units.
- 10.69 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings
- 10.70 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H10. No details have been given in the application as to how many dwellings of each size would be provided and this would be a reserved matter. However, a mix of 1-5 bedroom units would, in principle, comply with the requirements of Policy H10.

- 10.71 It is not known whether there is any provision for elderly person bungalows on the site however it is mindful that at least 5% of the dwelling units should be bungalows, and this can be secured by condition.
- 10.72 The final design and size of units would be determined at the reserved matters stage and it is considered that, subject to the above in respect of bungalow provision and an appropriate mix of affordable units, the application is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.

F Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

- 10.73 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 10.74 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.75 The application site itself is not subject of any statutory nature conservation designation being largely an open field with mature trees and hedgerows scattered throughout.
- 10.76 The application is supported by an Ecological Appraisal dated December 2015 which included further species specific surveys and Phase 1 Desktop Study.
- 10.77 The reptile survey identified three common lizards and a single juvenile grass snake along the sites northern boundary. Essex County Council's ecology officer stated that appropriate measures have been included in Section 6.4.10 of the Ecological Appraisal to protect this low population.
- 10.78 Furthermore, a number of birds were identified using the site and a barn owl was identified off site. Essex County Council's ecology officer stated that it is understood that the site only provides foraging opportunities for this species, and they should be unaffected by the proposals, although it should be appreciated that the loss of arable land will reduce their prey availability on a site (very local) scale.
- 10.79 Six oak trees on site were identified as having potential to support roosting bats and site boundaries were also identified as providing suitable conditions for foraging and commuting. All trees identified as having bat potential are to be retained in the Illustrative master plan and hedgerows will be unaffected (and managed) into the long term. As such the ecology officer raised no concerns in terms of the proposal having a detrimental impact on the bat habitats.
- 10.80 Great crested newt and badger surveys returned negative results, indicating likely absence. No further surveys are required.

- 10.81 Essex County Council's ecology officer concluded that although no further surveys are necessary, the Ecological Appraisal sets out a number of precautionary measures to protect species during works and thereafter and that these should all be adhered to.
- 10.82 The Ecological Appraisal identifies a number of enhancement measures including SUDs, hedgerow management and improvements for protected and notable species. These measures are welcomed and should be tied together in an Ecological Design Strategy, if permission is granted.
- 10.83 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions, the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.
- 10.84 The site falls within the Zone of Influence (Zoi) for the Blackwater Estuary Special Protection Area and Ramsar site. New housing development within the Zoi would be likely to increase the number of recreational visitors to the area, potentially resulting in disturbance to the integrity of the habitats of qualifying features.
- 10.85 The number of additional recreational visitors from 30 dwellings would be limited and the likely effects on the Blackwater Estuary from the development alone are unlikely to be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the area. Consequently, an Appropriate Assessment (AA) is necessary to ascertain the implications for the site.
- 10.86 The qualifying features for the Blackwater Estuary SPA designation are the overall water bird assemblage and the Conservation Objectives include maintaining the structure and function of the habitats of the qualifying features and the supporting processes on which the habitats of the qualifying features rely. Since the application site is near the perimeter of the Zoi, while the residential development may lead to disturbance of birds in coastal habitats (European) site, the adverse effects would be likely to be smaller in scale than other sites closer to the BESPA.
- 10.87 A draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019 (draft RAMS SPD) has been prepared, which sets out a strategic approach to mitigation by several councils across Essex. Since the original Zoi did not include land within Uttlesford District, the Council we are currently not a partner identified in the SPD. However, the draft RAMS SPD is endorsed by Natural England and it is proposed that the Council will adopt the SPD in due course. Therefore, it is appropriate to attach significant weight to it, an approach taken by the Inspectors in the Maranello and Clifford Smith Drive appeals.
- 10.88 The draft RAMS SPD sets out detailed mitigation measures that would be funded by S106 contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education and communication, and have been endorsed by Natural England, it is considered that the measures would adequately overcome any adverse effects of the proposal on BESPA and Ramsar site, again supported by the Inspectors for Maranello and Clifford Smith Drive.
- 10.89 The applicant has confirmed that they are willing to enter into a s106 Legal Obligation for the financial contribution towards the RAMS mitigation measures. The contributions would be necessary to make the development acceptable in

planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the CIL Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

- 10.90 Consequently, the proposed development would not adversely affect the Blackwater Estuary Special Protection Area (BESPA) and Ramsar site and would not conflict with the National Planning Policy Framework (Framework) in this regard.

G Drainage and flooding (ULP Policies GEN3 and GEN6)

- 10.91 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.92 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 10.93 The planning submission was accompanied by a Flood Risk Assessment (FRA) which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.94 The application was referred to Essex County Council's SUDs department who are the Lead Local Flood Authority. They stated that after reviewing the Flood Risk Assessment and the associated documents which accompanied the planning application, we support the granting of planning permission subject to imposing planning conditions.
- 10.95 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

H Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

- 10.96 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.97 The site is generally divorced from existing residential properties with the exception of those dwelling houses located along the north western boundary of the site that front onto Jollyboys Lane and Braintree Road. Other residential properties in the area are located on the opposite side of Braintree Road that front onto the application site.

- 10.98 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be caused to the amenities of adjoining properties particularly in relation to loss of light, privacy and overbearing.
- 10.99 In terms of future residents, the illustrative Masterplan shows the general disposition of the site and the Design and Access Statement shows examples of built form character illustrating how the development would be designed at the detailed level. The site is large enough to ensure that appropriate levels of amenity can be designed in at the detailed stage.
- 10.100 The applicants have submitted EIA reports on Air Quality and Noise and Vibration which demonstrate that there would be no adverse impacts on the amenities of the future residents. The reports identify potential impacts at the construction stage but it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.
- 10.101 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

I Infrastructure provision to support the development (ULP Policy GEN6 and the NPPF)

- 10.102 Local Plan Policy GEN6 requires that development makes provision at the appropriate time for infrastructure that is made necessary for the development. The NPPF also requires such facilities to be provided to enhance the sustainability of communities and residential environments.
- 10.103 The application was referred to Essex County Council's infrastructure planning officer who has requested that any permission for this development be granted subject to a S106 legal obligation to mitigate its impact on education. Should the final development result in the suggested unit mix, a total sum of £184,568 is required for education mitigation.
- 10.104 It is considered that the proposal would be capable of meeting the needs of future residents and would not place undue pressure on existing facilities within Felsted and the locality subject to these provisions, and the completion of a satisfactory S106 legal obligation.
- 10.105 In view of the above, it is considered that the necessary infrastructure could be provided to meet the needs of the development and could be in accordance with Policy GEN6 of the Local Plan and the NPPF.
- 10.106 The applicant has identified within their Draft Heads of Terms that they are also prepared to make a financial contribution of £250,000 towards the upgrading of community amenities in accordance with Policy VA3 of the draft Felsted Neighbourhood Plan. This policy states:

“As part of any major development proposal, financial contributions or direct provision of new infrastructure will be sought to secure infrastructure improvements made necessary by the scheme. In some cases, it will be appropriate for provision to be focused and delivered on-site (e.g. on site play provision) and in other cases

it may be more appropriate for provision to be focused off-site for example through contributing towards the Neighbourhood Plan's identified infrastructure priorities namely:

- *Improvements to and enlargement of the Primary School*
- *A village hall to accommodate up to 250 seated people*
- *Premises for the relocation of the Royal British Legion*

10.107 This policy, and the Neighbourhood Plan as a whole, has still yet to be examined and found sound. A public consultation on the Draft Plan is currently being undertaken and is due to close on 24 July 2019. As such, the Plan still has several stages to go through before being adopted ("made"). Therefore, at the present time the plan has limited weight and the financial contribution towards the village hall is not considered to be compliant with the CIL Regulations. However, the developer could approach the Parish Council and enter into a private agreement outside of the planning system if both parties were agreeable.

J Other material considerations

10.108 The Environmental Health Officer objected to the original scheme due to the impacts of the proposed village hall. The potential impacts related to noise and air quality arising from the use of the hall and associated vehicular movements. However, this element of the proposals has now been removed from the scheme. The suggested conditions if planning permission were to be granted including the hall are not relevant. However, the condition relating to contaminated land is appropriate to ensure that the site is suitable for the final residential use.

10.109 The County Archaeologist has not commented on this particular application but previously recommended a Trial Trenching condition. As the site remains the same it is considered appropriate to impose the condition in respect of this proposal. This is to ensure that the heritage assets in the form of archaeological deposits are recorded.

10.110 The policies in the emerging Local Plan currently have limited weight. They do not provide the basis of reaching a different decision to that considered in this report.

10.111 With regards to conditions, the applicant is keen to demonstrate that the site is deliverable and can come forward at an early stage. As such they have suggested that the timing of the submission of the reserved matters should be reduced from 3 years to 2 years. The Council has no objections to this approach.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B** The proposed development would not result in disproportionate loss of best and most versatile land. It is considered therefore that the development is in accordance to ULP Policy ENV5, and the NPPF.
- C** It is acknowledged that the proposal would alter the character of the site from agriculture land on the settlement edge of Felsted to urban as a result of the

proposed development. However, it is considered that on balance, although the proposal would extend into the open countryside the benefits of the development particular that of supplying much needed housing within the district and maintaining a rolling 5 year housing supply amongst other things within a sustainable location would outweigh the limited harm it would have upon the open countryside.

- D** It is concluded that the proposed development would cause no harm to matters of highway safety or result in unwanted traffic congestion.
- E** The final design and size of the units would be determined at the reserved matters stage however it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings.
- F** It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- G** There are no objections from either the local flooding or water authorities and as such it is considered that the proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- H** It is considered that the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.
- I** It is considered that the necessary infrastructure could be provided to meet the needs of the development and could be in accordance with Policy GEN6 of the Local Plan and the NPPF.

RECOMMENDATION – Approval subject to the conditions and Section 106 Agreement.

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 31 July 2019 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
 - (i) Provision of 40% affordable housing**
 - (ii) Provision of education financial contribution**
 - (iii) Provision of highways financial contribution**
 - (iv) Provision and transfer of open space**
 - (v) Ensure adequate ongoing maintenance of SUDS system.**
 - (vi) Provision of Essex RAMS financial contribution**
 - (vii) Pay the Council’s reasonable costs**
- (II) In the event of such a variation to the extant obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:**
- (III) If the freehold owner shall fail to enter into such a variation of the extant obligation, the Assistant Director Planning Services shall be authorised to refuse permission in his discretion at any time thereafter for the**

following reason:

- (i) Failure to provide 40% affordable housing**
- (ii) Failure to provide education financial contribution**
- (iii) Failure to provide highways financial contribution**
- (iv) Failure to provide and transfer open space.**
- (v) Failure to ensure adequate ongoing maintenance of SUDS system**
- (vi) Failure to provide Essex RAMS financial contribution**

Conditions:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology Ltd., Dec 2015) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998, and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

4. Prior to the commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and

- plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve and enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

5. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Justification: The proposed development site lies in a highly sensitive area of historic environment assets and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure that any archaeological deposits present on the site are appropriately investigated prior to development.

6. No development approved by this permission shall take place until a Phase II site investigation and report, taking account of the findings of the previously submitted GRM Development Solutions Phase I Site Appraisal (Desk Study) Report dated December 2015 (Ref: GRM/P7123/DS.2), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase II report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

REASON: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment, and in accordance with Uttlesford Local Plan Policy ENV14 (adopted 2005).

Justification

The Phase I report is the original report submitted in support of the previous planning application. Although this report covered a larger development site area, its findings are still relevant to the present application under consideration. It has identified a low contamination risk for the site, whilst recognising that there may be residual contamination risks from historic agricultural use of the land and in connection with ground gases from made ground (infilled ponds) on the site, and has recommended that these be investigated further with an appropriate site

investigation. In view of the contamination-sensitive residential end use proposed for the site, it is therefore considered essential that a Phase II site investigation and Phase III Remediation Strategy (where found necessary by the Phase II site investigation) should be undertaken in order to identify, mitigate and/or eliminate these contamination risks that may be present on site and to render the site suitable for its proposed end uses. It is also recommended that the following informative is attached to any consent granted to cover any instances of unsuspected contamination arising on site.

7. No development or preliminary groundwork's of any kind shall take place in the areas specified in the archaeological brief (areas around trench 1 and 9 from the archaeological evaluation) until the applicant has completed a programme of archaeological excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason: In the interests of protecting the heritage assets in according with Uttlesford Local Plan ENV4 (adopted 2005) and the NPPF.

Justification: The applicants have undertaken both a heritage statement and an archaeological evaluation on the above site. The archaeological evaluation found very limited archaeological deposits, however, a feature of Bronze Age date was identified along with a hollow containing only 12th to 13th medieval pottery. Limited archaeological investigation will be required if the development is approved comprising open area excavation around trenches 1 and 9.

8. No residential occupation of the development hereby permitted shall take place until the provision of an access to include a 5.5 metre carriageway, two 2 metre footways (as shown in principle in drawing 17227-02 rev E); the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 101 metres to the north-east and 2.4 metres by 91 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

9. Prior to the first residential occupation of the development hereby permitted a footway of a minimum width of 1.5m, as shown in principle in drawing 17227-02 Rev E shall be provided on the southern side of Braintree Road between the site access and the bus stop to the north east of the site.

REASON: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

10. Prior to the first residential occupation of the development hereby permitted improvements through the provision of a suitable all weather surface and appropriate way marking and signage to public footpath 48 (Felsted) from the boundary of the site to the surfaced area of Jollyboys Lane shall be undertaken.

REASON: To make adequate provision for the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM9 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

11. Prior to the first residential occupation of the development hereby permitted improvements through the provision of a suitable unbound surface and appropriate signage and waymarking of the section of footpath 110 (Felsted) from the boundary of the site to the surfaced area of Jollyboys Lane shall be undertaken.

REASON: To mitigate the impact of additional pedestrian traffic from a result of the proposed development in accordance with policy DM9 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

12. Prior to the first residential occupation each residential unit hereby permitted each dwelling shall be providing with the number of parking spaces required in accordance with the standards set out within the Essex County Council's Parking Standards Design and Good Practice, September 2009, and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policies GEN1 and GEN8 (adopted 2005) and the NPPF.

13. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 3.9l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - The inclusion of urban creep. In any storage calculations, we want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority" (page 32).
 - Evidence that all storage features can half empty with 24 hours for critical storm event 1 :100 plus 40% climate change, in order to meet LLFA half drain time requirement.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with simple index approach the CIRIA SuDS Manual C753 chapter 26. This should also include sufficient upstream capture of sediment before any surface water is stored or

discharged. The use of catchpits and gullies are not accepted as sufficient treatment as they depend heavily on the quality and regularity of their maintenance.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: • To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, and to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

14. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

JUSTIFICATION: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

15. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

16. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

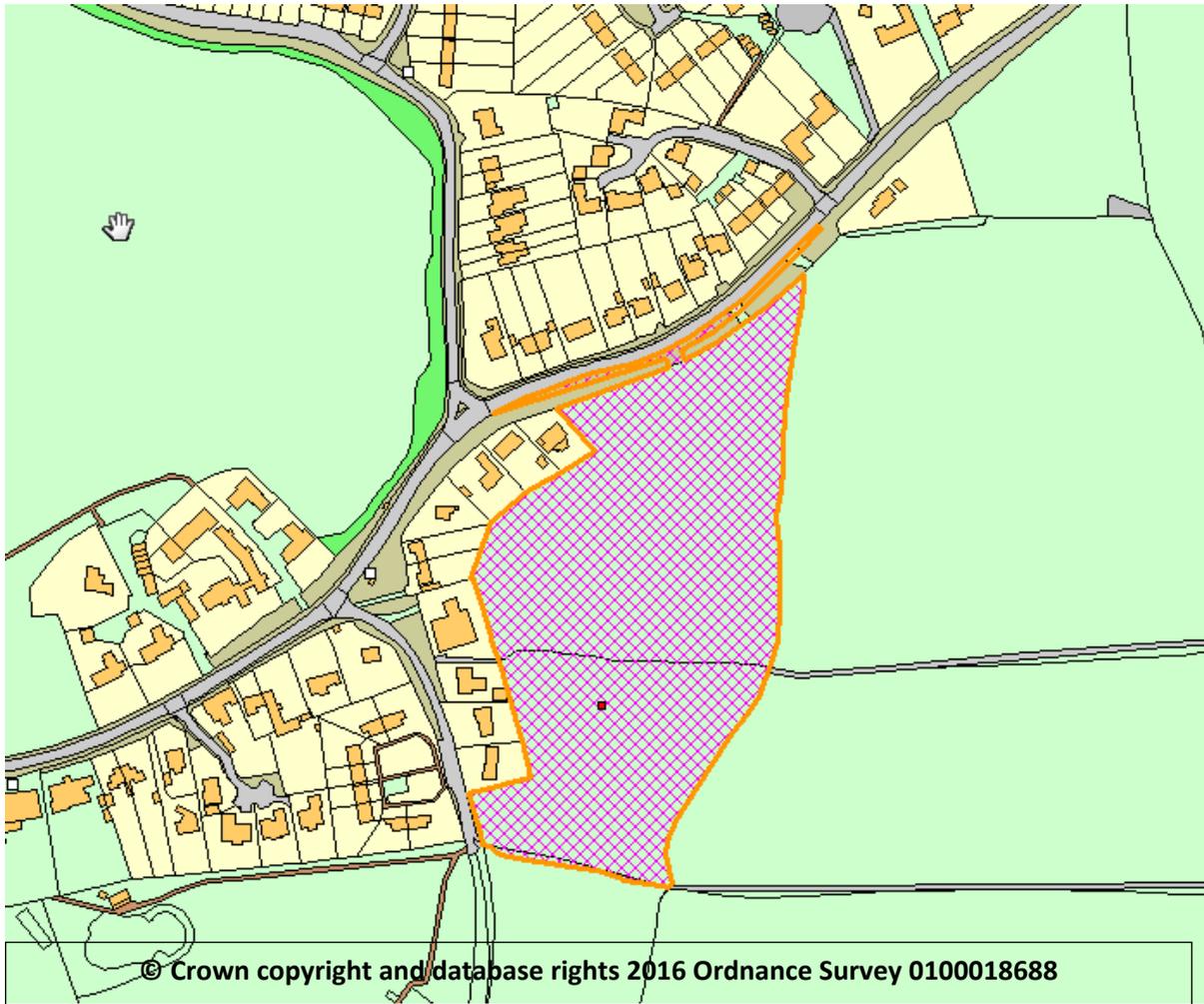
REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

17. The details to be submitted in respect of condition 1 shall include details of vehicle electric charging points for each dwelling.

REASON: In the interests of sustainable development and to meet the requirements of Uttlesford Local Plan Policy GEN2 and the NPPF.

Application no.: UTT/18/3529/OP

Address: Land to South of Braintree Road Felsted



Organisation: Uttlesford District Council

Department: Planning

UTT/19/0293/FUL (HENHAM)

(Called to Committee by Cllr Lees)

PROPOSAL: Erection of 16 no. dwellings with associated garages, parking and landscaping with new vehicular access to Chickney Road

LOCATION: Land to the north of Chickney Road, Henham

APPLICANT: Stonebond Properties Ltd, J F Pimblett & Sons

AGENT: Strutt & Parker

EXPIRY DATE: 16 May 2019 extension of time until 29 July 2019

CASE OFFICER: Jonathan Doe

1. NOTATION

- 1.1 Outside Development Limits
The site frontage is onto a Protected Lane
There is a Public Right of Way within the site, a footpath

2. DESCRIPTION OF SITE

- 2.1 The site is that of a parcel of land of a trapezoidal shape between recent housing development off Maitland Close, to the west, and a vehicular track for farm vehicles which is also a public footpath, to the east. The southern boundary is a part of Chickney Road. The north eastern boundary is a belt of trees/hedge.
- 2.2 The site is at the eastern end of the village of Henham.
- 2.3 The site is arable land and land to the rear of the Maitland Close, land which has been used for the construction process of the new houses on Maitland Close.
- 2.4 The site has an area of 0.71ha. The site has an existing vehicular access to Chickney Road. A new vehicular access would be provided at a more central position along the site frontage.

Plot	No. of bedrooms	Garden size (sq m)	Parking
1	2	58	2
2	2	71	2
3	4	177	3
4	3	170	3
5	3	141	3
6	3	103	2
7	1	52	1
8	1	68	1
9	2	79	2
10	2	63	2
11	2	240	2
12	2	71	2

13	3	117	2
14	3	143	3
15	4	217	3
16	4	259	3

3. PROPOSAL

3.1 Erection of 16 no. dwellings with associated garages, parking and landscaping with new vehicular access to Chickney Road

3.2 Sixteen dwellings and garages are proposed in the form of a cul-de-sac of development. There would be 4 pairs of semi-detached houses, 6 detached houses and 2 flats. 10 of the dwellings would be open market, 6 Affordable Housing.

3.3 A vehicular access to the site would be created.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

5.1 The application documentation includes a planning statement (with a draft heads of terms to a Section 106 Agreement, relating to Affordable Housing, a financial contribution towards schools and off-site transport improvement, as an appendix); a design and access statement; a statement of community involvement; a transport statement; a completed biodiversity checklist and a preliminary ecological appraisal report; a landscape/visual appraisal and landscape strategy report with a landscape masterplan, arboricultural impact assessment report and aerial photographs of the site; an Affordable Housing statement and a housing tenure plan; a flood risk assessment; a phase 1 ground contamination study; and, a schedule of materials.

5.2 The planning statement includes the following points:

- High quality, Architect designed scheme would make a "gateway" to the village
- Most dwellings (81%) to comprise of 1 to 3 bedrooms and accordingly be suitable for first time buyers and young families
- Provision of 6 affordable homes in line with Council requirements
- Proposal represents a contribution to a housing supply shortfall
- Location of site would "round off" the village by a "landscape led" scheme
- Reference to the applicant being willing to contribute a "welcome to Henham" timber sign
- Applicant is a reputable local established housebuilder, committed to delivering the scheme
- Bus stop improvements
- Electric car charging points in all garages
- Sustainable building features and techniques beyond requirements of

- Building Regulations to be incorporated
- Willing to explore a 30mph speed limit at edge of village
- Landscape planting, especially to southeast boundary, and landscaped area to entrance of site
- Garden sizes in excess of normal requirements
- Policies in the Local Plan are out of date
- Government policy sets out a presumption in favour of sustainable development and as such the proposal is acceptable in principle

6. RELEVANT SITE HISTORY

- 6.1 A portion of the site, that part to the rear of and used as a construction compound for Maitland Close, was an element to a larger parcel of land the subject of a planning permission (UTT/1424/01/FUL) for a paddock to the rear of Lodge Cottages. That planning permission is for “Erection of two-storey side extension, garage and stables. Change of use from arable land to grazing paddock. Creation of access from paddock to main road.” It appears that the paddock was to have been a horse paddock and that the access was to have been to the west of where Maitland Close now is.
- 6.2 A pre-application enquiry (reference UTT/18/2092/PA) was made for sixteen dwellings at the site. A response, for guidance only, was issued on 15th September 2018. A summary of the response was that residential development was acceptable in principle, but would require a robust justification.

7. POLICIES

Uttlesford Local Plan (2005)

S7 - The Countryside

GEN1 - Access

GEN2 - Design

GEN3 - Flood Protection

GEN4 - Good Neighbourliness

GEN6 - Infrastructure Provision to Support Development

GEN7 - Nature Conservation

GEN8 - Vehicle Parking Standards

E4 - Farm diversification: alternative use of farmland

ENV5 - Protection of agricultural land

ENV8 - Other landscape elements of importance for nature conservation

ENV9 - Historic Landscapes

ENV14 - Contaminated Land

H9 - Affordable Housing

H10 - Housing Mix

Emerging Local Plan

SP 1 - Presumption in Favour of Sustainable Development

SP 2 - The Spatial Strategy 2011-2033

SP 3 - The Scale and Distribution of Housing Development

SP 10 - Protection of the Countryside

SP 12 - Sustainable Development Principles

H 1 - Housing Density

H 2 - Housing Mix

H 6 - Affordable Housing
H 10 - Accessible and Adaptable Homes
TA 1 - Accessible Development
TA 3 - Vehicle Parking Standards
D 1 - High Quality Design
D 2 - Car Parking Design
EN 7 - Protecting and Enhancing the Natural Environment
EN 10 - Minimising Flood Risk
EN 11 - Surface Water Flooding
EN 16 - Contaminated Land
C 1 - Protection of Landscape Character

Supplementary Planning Documents/Guidance

Accessible Homes and Play Space

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

ECC Parking Standards
UDC Parking Standards
Essex Design Guide (2018 version)
Strategic Housing Market Housing Assessment (September 2015).

8. PARISH COUNCIL COMMENTS

- 8.1 A report has been submitted by Gardner Planning Ltd on behalf of Henham Parish Council as an objection. Another report has been submitted by Railton TPC Ltd on behalf of Henham Parish Council as an objection with regard to transportation matters including access to services and sustainability.
- 8.2 The report by Gardner Planning makes the following points:
- The application site is not allocated for development in the Regulation 19 Local Plan
 - Proposal is contrary to Policy S3 of the Adopted Local Plan
 - Provision of 16 dwellings is a tiny benefit to weigh in the balance of the new NPPF paragraph 11
 - Henham has already accommodated over 70 dwellings in the plan period of the emerging Local Plan – it should not, and cannot, take any more
 - Proposal is contrary to Policy S7 of adopted Local Plan
 - Would extend development into the countryside to the detriment of the character of the area
 - Chickney Lane is a “Protected Lane”, a heritage asset
 - Proximity of back gardens would have an adverse impact for walkers along the public footpath
 - The site is classified Grade 2 in the Agricultural Land Classification
 - Pre-application advice from Uttlesford District Council contained unsupported statements

The report by Railton makes the following points:

- 8.3
- Ensuring that the location of development would facilitate sustainable means of travel is of great importance and set out in Government advice and local policies
 - Development should not compromise road safety and this is set out in policies
 - Facilities within the village are extremely limited
 - There are no facilities within a walkable neighbourhood
 - There are no footways along Chickney Road for a distance of 270m west of the site access (the route to all local facilities)
 - There is no street lighting along Chickney Road between the site and the centre of the village.
 - Vulnerable highway users such as parents with children walking along Chickney Road would be subject to severe risk and in the presence of two vehicles passing any pedestrians would be subject to very severe risk
 - site suffers from a lack of cycle accessibility
 - site lies well beyond the recommended maximum walking distance to bus services and that the level of service is not good
 - Overall it is concluded that the proposed development fails to provide appropriate opportunities for sustainable travel,

9. CONSULTATIONS

NATS Safeguarding

- 9.1 No safeguarding objection to the proposal. (NATS is responsible for the management of en-route air traffic).

MAG London Stansted Airport

- 9.2 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

ECC Highways

- 9.3 The remote location of the site is such that access to key local services and facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken in to consideration by the Planning Authority when assessing the overall sustainability and acceptability of this proposal.
- 9.4 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 9.5 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to measures to address creation of a vehicular access to acceptable details; provision of a Construction Management Plan; implementation of parking and turning areas; provision of bicycle parking;

and, no unbound material within 6m of boundary.

ECC Place Services – Ecology

- 9.6 No objection subject to securing biodiversity mitigation and enhancement measures.

ECC SuDS

- 9.7 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the imposition of conditions to any approval.

Crime Prevention Officer

- 9.8 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
- 9.9 We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

UDC Housing Strategy and Operations Manager

- 9.10 The delivery of affordable housing is one of the Council's corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units.
- 9.11 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 16 (net) units. This amounts to 6 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 9.12 The application proposes 2x1 bed flats and 2x2 bed houses for affordable rent; 2x2 bed houses for shared ownership. I confirm this mix meets the Council's policy and the homes are integrated within the scheme.

UDC Environmental Health Officer

- 9.13 The submitted phase 1 contamination assessment by Geosphere Environmental has identified made ground from the former railway at the southeast boundary of the site as a potential source of contamination. The limited intrusive investigation proposed in the report is considered an acceptable way forward to further characterise this risk. A condition is recommended.

UK Power Networks

- 9.14 Standard response.

Health and Safety Executive

9.15

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Cadent

9.16

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry as currently specified.

Thames Water

9.17

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

10. REPRESENTATIONS

10.1

84 representations received (Object). Neighbour notification period expires 18th March 2019. Advertisement expires 21st March 2019. Site Notice expires 28th March 2019.

Summary of representations received as follows:

- With construction comes unavoidable disruption
- Development in Henham and Elsenham has been disproportionate and any further must be stopped
- Homes recently built until now have not benefited locally employed people because they are too big and expensive
- Would increase traffic at high speeds through Henham
- Site was not included in neither Local Plan nor emerging local plan
- Detriment to highway safety
- Proposal would add to loss of a really lovely village with a village feel
- Represents the creeping urbanisation of a rural village
- Additional strain on local resources
- In the last four years this will be the fifth housing development within a one mile radius
- Would lead to greater use of Sibleys Lane as a shortcut, especially during construction
- Would spread development further out into the countryside
- Henham is a type A village which alone has already accommodated over 70 new houses and should not, and cannot, take any more
- Our village is becoming a town, application should be refused to let residents of Henham get on with village life
- Site is outside the village envelope and outside the speed limit
- Gross overdevelopment beyond a green barrier
- Does not complement the existing street scene or fit character of this very rural end of the village
- Access road would be positioned only 4m from our bedroom window and lounge window leading to noise and other pollution
- Plot 1 too close to a plot forming part of Maitland Close
- Pedestrians, including school children, would need to walk into the village along road with no footway which would be dangerous
- May lead to the next field along being used as works depot for this proposed development and then becoming the next development site

- The village is at bursting point already and should not be expected to continually accommodate requests for new housing
- The roads surrounding Henham are under strain
- the access road through Stansted Mountfitchet is now grid-locked at certain times of the day due to the substantial increase in traffic; the infrastructure just cannot cope
- another opportunist and greed related planning application which I see as a further encroachment into our ever-decreasing green areas
- will take the village further out into the countryside and, if granted, will then make the land beyond it ripe for further developmental applications
- time has come for a moratorium on building in Henham until we have had time to properly assimilate the new housing and all the infrastructure problems
- Sustainable village growth should be no more than 10% for the community to absorb, welcome and nurture relationships with newcomers
- It is the opposite end of the village from the school and all the traffic has to go right through the village
- Too close to a bedroom window and no screening
- Henham is full and will lose its quintessential English village character if any further development is allowed
- Tacking developments to a village causes it to slowly morph out of a village character; villages are Goldilocks' baby-bears of communities in that they are just the right size and therefore need our protection
- would completely spoil our outlook
- this sets a precedent for building on any of our beautiful and protected countryside
- would obstruct the view of the road on the bend, putting lives at risk

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (ULP Policies S7, E4 and ENV5; NPPF)
- B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)
- C Design and residential amenity (ULP Policies GEN2 and GEN4; NPPF)
- D Vehicular access, parking and other highway matters (ULP Polices GEN1 and GEN8; NPPF)
- E Impact on ecology and special verges (ULP Policies GEN7, ENV8 and ENV9; NPPF)
- F Flood risk and drainage (ULP Policy GEN3; NPPF)
- G Ground contamination (ULP; Policy ENV14)
- H Infrastructure provision (ULP Policy GEN6)

A Principle of development (ULP Policies S7, E4 and ENV5; NPPF)

- 11.1 The difference between this site and the recently developed sites to the west and to the south is that this site is outside the Development Limit of Henham as defined in the Regulation 19 Local Plan. Appeal decisions often refer to how the Regulation 19 Local Plan is open to change until formally being found sound by an Inspector and accordingly give considerations relating to emerging policy very little weight. A visual impression of the frontage of the site is that it is enclosed by relatively recent housing to the left hand side, a vehicular track forms a strong visual boundary to the right hand side and that this is empty space compared to

the built form on the opposite side of the road.

- 11.2 The application site is located outside the development limits for Henham and falls within open countryside where Policy S7 operates a policy of restraint. Policy S7 states that planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. The proposal would be contrary to Policy S7 as it relates to an inappropriate form of development that does not need to take place in the countryside, fails to protect or enhance the character of the countryside in which it is set. It is therefore necessary to consider whether there are any special reasons why the development needs to take place in that location.
- 11.3 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.4 A review of the policies in the adopted Local Plan has been carried out to check their compatibility with the NPPF. Policy S7 is partially consistent with the NPPF in that, whilst the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas.
- 11.5 The location of the site beyond the Development Limits for Henham would not accord with the Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village complies with more up-to-date policy at paragraph 78 of the NPPF
- 11.6 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.7 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. As such it is therefore necessary to consider whether the proposals represent sustainable development in accordance with paragraphs 8-15 of the NPPF. Paragraph 8 sets out the three dimensions to sustainable development:
- 11.8 Economic role: The proposal would offer a limited economic role with the potential for some short term employment opportunities during the construction period. In addition, there would be limited support for the existing facilities within the village, such as the shop and public house, potentially during the construction period and more likely following occupation of the properties. As such the proposal could deliver a limited economic role.

- 11.9 Social role: The proposal would provide additional houses to Henham and a sizeable proportion (6 out of 16) would be Affordable Housing. As such the proposal would deliver a social role.
- 11.10 Environmental role: The site is set in the context of the completed development on the southern side of the road. This development has significantly altered the character of the landscape in this location. The concept of loss of open land would be the greatest when viewed from the footpath to the east of the site. However, now that the developments of Blossom Close and Maitland Close have been completed residential development has been introduced that has had a significant impact on the character of the area. The visual impact of the proposal is limited when considered in its context. The landscaping scheme would reduce the visual impact of the development to some extent, and reduce the less than significant impacts on the wider landscape. Biodiversity enhancements, discussed below with regard to ecological impacts, could be ensured to be implemented by condition. Therefore, whilst there would be some harm, on balance the proposals are considered to deliver an environmental role.
- 11.11 Policy E4, Farm diversification: Alternative use of farmland, has been found to be only partly consistent with the NPPF. Policy ENV5, Protection of agricultural land, relates to the best and most versatile agricultural land whereas the site is understood to be grade 2. Given that development was granted on an adjoining site, it is considered that these policies cannot form a bar to development on the site in question.
- 11.12 It is considered that the proposals would meet the requirements of sustainable development as set out in the NPPF.

B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)

- 11.13 The application proposes two 1-bedroom flats and two 2-bedroomed houses for affordable rent; and, two 2-bedroomed houses for shared ownership.
- 11.14 The provision of affordable housing is one of the Council's corporate priorities. As referred to above, the response of the Council's Housing Strategy and Operations Manager states that the mix meets the Council's policy and the homes are integrated within the scheme.
- 11.15 The affordable housing can be secured by way of a Section 106 Legal Obligation.

C Design and residential amenity (ULP Policies GEN2 and GEN4; NPPF)

- 11.16 Policy GEN2 requires, inter alia, development to be compatible with the scale, form, layout and appearance of surrounding buildings and to provide an environment which meets the reasonable needs of all potential users. The proposed dwellings are considered to be of an acceptable design and the proposed mix of materials would be appropriate.
- 11.17 The Essex Design Guide sets a requirement for a minimum garden size of 100sqm for 3+ bedroom properties. All the properties of three or more bedrooms would have a garden size which would exceed the minimum standard, the smallest being 103sqm.
- 11.18 The comment of a local resident that the proximity of the access road to a

bedroom window would cause disturbance is noted. However, it is thought that when a band of landscaping as part of the development of Maitland Close becomes established the disturbance would not be material and this factor in isolation could not adequately form a reason for refusal.

- 11.19 The nearest distance between a proposed built form and existing houses on Maitland Close would be the distance between plot 1 and a house at the end of Maitland Close. The distance would be some 12m. Such an isolation distance is considered adequate.
- 11.20 The proposed houses nearest existing houses on Maitland Close would be those on plots 1 and 16.
- 11.21 A side elevation of the house on plot 1 would face northwest, towards Maitland Close. At first floor this elevation would have two windows; to a bathroom and to a shower-room en-suite to a bedroom. To avoid any sense of being overlooked it is considered appropriate that a condition be imposed on any approval to require that these windows be obscure glazed.
- 11.22 A side elevation of the house on plot 16 would face southwest, towards Maitland Close. At first floor this elevation would have a small window to an en-suite shower-room. To avoid any sense of being overlooked it is considered appropriate that a condition be imposed on any approval to require that this window be obscure glazed.
- 11.23 The scheme is in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide.

D Vehicular access, parking and other highway matters (ULP Policies GEN1 and GEN8; NPPF)

- 11.24 The local highway authority, Essex County Council, has raised no objection to the proposed vehicular access. ECC Highways has recommended a condition regarding implementation of a vehicular access to its standards. Accordingly the proposal is considered acceptable with regard to Policy GEN1.
- 11.25 In accordance with the Council's adopted parking standards, the proposal would provide 1 parking space per 1-bedroom dwelling, 2 spaces per dwelling of 2 or more bedrooms; and, 3 spaces per dwelling for the four-bedroom houses. In total 40 car parking spaces, including spaces for visitor parking, would be provided.
- 11.26 The proposal would accord with adopted parking standards and is considered acceptable with regard to Policy GEN8.

E Impact on ecology and special verges (ULP Policies GEN7, ENV8 and ENV9; NPPF)

- 11.27 The application documentation includes a preliminary ecological appraisal report to which the ECC Ecologist has no objection subject to securing biodiversity mitigation and enhancement measures. It is considered that the proposal complies with Policies GEN7 and ENV8.
- 11.28 The proposal would not result in any adverse impact on the character of the protected lane and therefore complies with Policy ENV9.

F Flood risk and drainage (ULP Policy GEN3; NPPF)

- 11.29 The proposal is in Flood Zone 1. Essex County Council is the Lead Local Flood Authority for the area and in this capacity has confirmed in writing that it does not object to the granting of planning permission based on the imposition of conditions to any approval. The proposal is acceptable with regard to Policy GEN3.

Ground contamination (ULP; Policy ENV14)

G

- 11.30 The application documentation includes a Phase 1 desk study and preliminary risk assessment report for the proposed residential development. The Council's Environmental Health Officer has reviewed the report and commented that the report has identified made ground from a former railway at the southeast boundary of the site (the vehicular track referred to elsewhere in this Committee report) as a potential source of contamination. The limited intrusive investigation proposed in the report is considered an acceptable way forward to further characterise this risk. A condition is recommended.
- 11.30 With regard to Policy ENV14 the proposed development is considered acceptable subject to the appropriate standard conditions as recommended by Environmental Health.

H Infrastructure provision (ULP Policy GEN6)

- 11.31 Policy GEN6 requires provision for community facilities that are made necessary by the development. Statutory authorities have identified a drainage scheme and a vehicular access to defined standards. Provision of a drainage scheme and the vehicular access can be ensured by use of condition. Landscaping provision can be achieved by condition. However, to address maintenance of the drainage scheme and maintenance of the landscaped spaces it is considered appropriate that this is addressed by a Section 106 Agreement. A Section 106 Agreement would be required in connection with Affordable Housing.
- 11.32 The planning statement submitted as part of the application documentation has an appendix which is a draft Heads of Terms to a Section 106 Agreement. The Heads of Terms are: Affordable Housing; transport (off-site improvements to the nearest bus stop).
- 11.33 The planning statement also refers, at page 1, to a willingness to contribute to a "Welcome to Henham" sign, electric car charging points in all garages, and a commitment to exploring a reduced speed limit at this edge of the village.

I Other matters

- 11.34 Policy GEN2 and the SPD entitled "Accessible Homes and Playspace" indicate that proposed dwellings should meet the Lifetime Homes standards for accessibility. The Planning Practice Guidance explains that enhanced accessibility should be sought only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations (Paragraph 008 Reference ID 56-008-20150327). This policy, last updated in March 2015, effectively updates

the Council's policies; although the SPD does form the basis for selecting the appropriate accessibility standard.

11.35 A standard condition for major housing developments is recommended.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The principle of development is a complicated matter to assess with adopted policy not being of recent date and a lack of a five year housing supply. Impact to the character and appearance of the setting to the site would be limited given its context adjacent existing built forms. Unlike nearby recent development, the proposal offers a significant proportion of Affordable Housing.
- B** The proposal complies with policies H9 and H10 relating to housing mix and affordable housing.
- C** The appearance of the dwellings would represent a high quality design and the development as a whole would offer a very good level of amenity to future occupiers with no material adverse impact to occupiers of neighbouring development.
- D** Vehicular access and parking are considered acceptable.
- E** The development would not have a significant impact to protected or priority species.
- F** There would not be an increased risk of flooding from the proposal.
- G** Contamination risk can be remediated by condition.
- H** Implementation of infrastructure can be achieved by condition or by a Legal Agreement.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 18 May 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Provision of affordable housing**
 - (ii) Provision and maintenance of open space**
 - (iii) Maintenance of SuDSBus stop improvements**
 - (iv) Pay the Council's reasonable legal costs**
 - (v) Pay the monitoring fee**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) No provision of affordable housing**
 - (ii) No provision and maintenance of open space**

- (iii) **No maintenance of SuDS**
- (iv) **No bus stop improvements**

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

4. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this exposed site within the streetscene is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local

5. Plan (adopted 2005).

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

No development other than that required to be carried out as part of a scheme of investigation or remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It must include:

6. (i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health, building services and controlled waters;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be undertaken by a competent person, in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", and take account of Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website.

REASON: In the interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

7. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, building services and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

The remediation scheme shall be implemented in accordance with the approved

timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

8. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Demonstrate a suitable half drain time for the site- storage should half empty after 24 hours
 - Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy GEN3 of the adopted Local Plan, Policy EN 1 of the Regulation 19 Local Plan and the provisions of the National Planning Policy Framework.

9. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: In the interest of the prevention of flooding by ensuring the satisfactory maintenance of plant for storage of/disposal of surface water from the site in accordance with Policy GEN3 of the adopted Local Plan, Policy EN 1 of the Regulation 19 Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. 183610-002 Rev B (dated 06/11/18) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, a 2 metre footway around the western radii extending along the site frontage, and clear to ground visibility splays with dimensions of 2.4 metres by 101 metres to the east and 2.4 metres by 93 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan.

11. No development shall take place, including any ground works or demolition, until a

Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

12. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

13. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

14. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

15. Prior to first occupation of any dwelling hereby permitted, all ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Geosphere Environmental Ltd., Jan 2019) as submitted with the planning application.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and to accord with Policy GEN7 of the adopted Local Plan.

16. Prior to first occupation of the house on plot 1 the window to the bathroom and the window to the shower-room en-suite to bedroom 1 as shown on approved plan 18/32/05 shall be obscure glazed, with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and shall be fitted with opening hinge restrictors, and retained as such thereafter.

REASON: To avoid overlooking of the neighbouring properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local

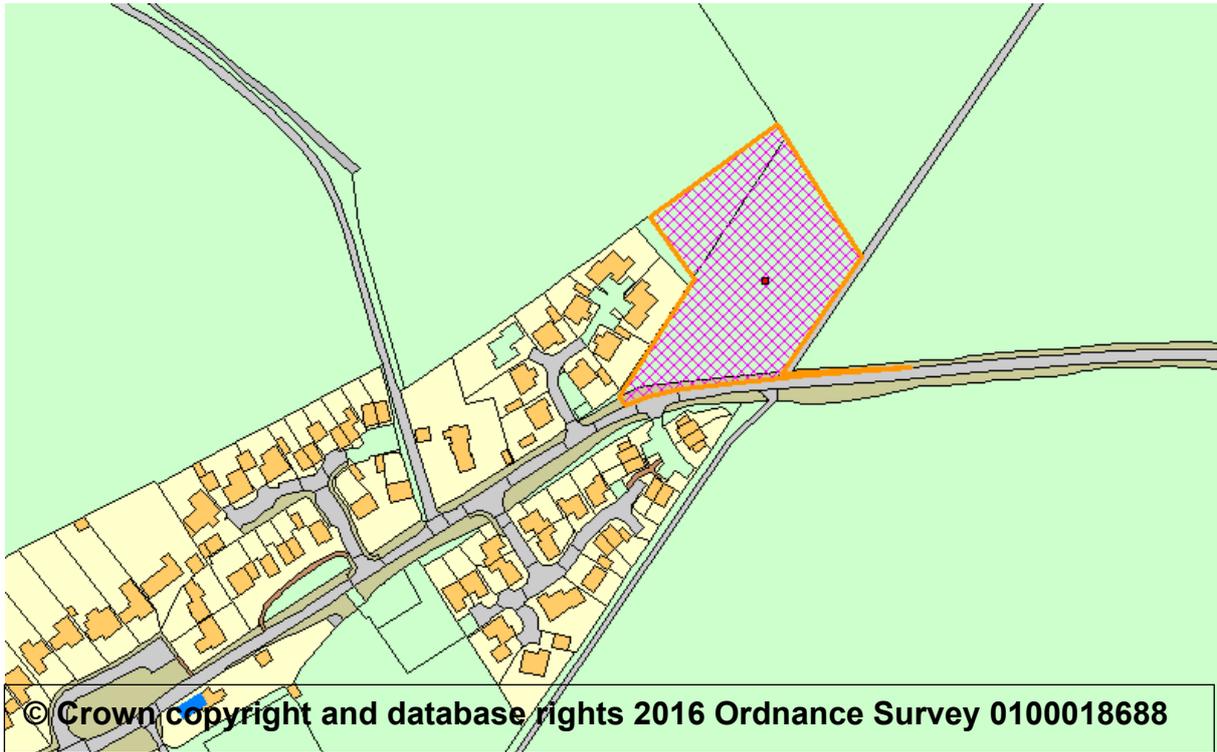
Plan (adopted 2005).

17. Prior to first occupation of the house on plot 16 the window to the shower-room en-suite to bedroom 1 as shown on approved plan 18/32/06 shall be obscure glazed, with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and shall be fitted with opening hinge restrictors,, and retained as such thereafter.

REASON: To avoid overlooking of the neighbouring properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

18. Prior to first occupation of a dwelling with a garage, an electric car charging facility shall be installed in the garage and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.



Organisation: Uttlesford District Council

Department: Planning

Date: 10 July 2019

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UTT/19/0829/FUL (SAFFRON WALDEN)

MAJOR

PROPOSAL:	Variation of condition C.3.3 (approved plans) on application UTT/1382/01/FUL to allow amendments to approved drawings 211/01/22, 211/01/29 & 211/01/28 and previously approved revised plan 539/002 Rev E by substitution with drawing 539/002 Rev F relating to Blocks C, D & E. Revised internal layouts which will facilitate improved AD M access and minor changes to the external elevations to accommodate internal layout changes
LOCATION:	The Old Cement Works, Land Behind Thaxted Road, Saffron Walden, CB10 2UQ
APPLICANT:	Mr C Reynolds - Tarncourt Ambit Limited
AGENT:	Mr M Cooper, Suss Designs
EXPIRY DATE:	08.07.2019
CASE OFFICER:	Robert Davis

1. NOTATION

- 1.1 Within development limits, Employment Land to be Safeguarded

2. DESCRIPTION OF SITE

- 2.1 The site is located off Thaxted Road, Saffron Walden. It comprises an area of land, previously used as a cement works, lime kiln and scrapyards on which two blocks (A and B) of live/workspace have been erected facing Thaxted Road with the site to the rear being undeveloped.
- 2.2 To the south east of the site are new developments providing 10 dwellings on Tiptoft lane with the Aldi store beyond.

3. PROPOSAL

- 3.1 The proposal is to vary a condition to allow alterations to the internal layout and the appearance of the external elevations to Blocks C, D and E of the development reference - UTT/1382/01/FUL approved on 21st July 2003. This permission has been implemented by virtue of the construction of Blocks A and B at the front of the site.
- 3.2 The proposal is to ensure the buildings accord with requirements of Approved Document M: Access to and use of buildings of the Building Regulations. This document states that "Reasonable provision should be made ... so that people, regardless of disability, age or gender, can have access into, and within, any storey of the building and to the building's facilities... regarding sanitary accommodation."
- 3.3 The proposal would amend the internal layout of each unit principally with amendments to the positioning of internal stair cases and sanitary facilities.

3.4 There would be amendments to the size and positioning of the external openings together with a revision to the palette of materials.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment)
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

5.1 Amendments to accord with the revised building regulations.

6. RELEVANT SITE HISTORY

6.1 UTT/1382/01/FUL - Erection of 8 blocks for class B1 business 'live/work' purposes and creation of new vehicular access. Granted planning permission subject to conditions on 21 July 2003.

6.2 UTT/0040/04/FUL – Erection of 97 B1 “live/work” units and creation of new access (variation of UTT/1382/FUL). Refused 27 October 2004. Appeal dismissed.

6.3 UTT/1882/05/FUL – Variation of conditions C90D and C90E of planning permission UTT/1382/01/FUL to provide off-site highway works and surfacing of estate road prior to occupation rather than commencement. Granted planning permission subject to conditions on 22 February 2006.

6.4 Known as the Kilns development Blocks A and B (three and four storey blocks) have been constructed comprising 28 of the 60 approved units. The remainder of the site remaining undeveloped

6.5 There have been a number of planning approvals to develop the remainder of the site for residential purposes.

- UTT/13/1937/OP - Outline application for up to 52 dwellings with all matters reserved except access
- UTT/16/1444/OP - Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings.
- UTT/17/3038/DFO - Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.

7. POLICIES

7.1 National Policies

National Planning Policy Framework
Planning Practice Guidance

7.2 Uttlesford District Local Plan 2005

Policy SW6 - Safeguarding of Existing Employment Areas
Policy E2 - Safeguarding Employment Land
GEN 1 - Access
GEN 2 - Design

7.3 Supplementary Planning Documents

SPD Accessible Homes and Play space

8. SAFFRON WALDEN TOWN COUNCIL COMMENTS

8.1 None received

9. CONSULTATIONS

NATS Safeguarding

9.1 No safeguarding objections

London Stansted Airport

9.2 No Safeguarding Objections

10. REPRESENTATIONS

10.1 38 neighbouring properties have been notified, a site notice displayed and an advert published. Expiry date 23rd May 2019. No representations received.

11. APPRAISAL

The issues to consider in the determination of the application are:

A Justification in policy terms to vary Condition 3.3 (approved plans) on UTT/1382/01/FUL

A Justification in policy terms to vary Condition 3.3 (approved plans) on UTT/1382/01/FUL

10.1 Paragraph 55 of the NPPF states that, "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". Condition 2 of the original consent specified that the development be implemented in accordance with the listed plans to ensure the development is carried out as approved and any changes must be agreed in advance in writing by the local planning authority.

10.2 The Planning Practice Guidance states that following the decision of a local planning authority to grant planning permission subject to conditions a developer may make an application under section 73 of the Town and Country Planning Act 1990 to remove or change a condition. In deciding an application under section 73, the local planning

authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.

- 10.3 It should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 10.4 The applicant state the changes are required in order that the development complies with the Building Regulations Approved document M: access to use of buildings. This document was introduced in 2015 to ensure that everybody, including disabled should be able to access all parts of a building.
- 10.5 There would be no change to the internal floorspace of each unit or the exterior dimensions of each building. The floorplan for Unit numbers 32, 33 and 34 within Block D are now indicate three bedrooms, as with the other units, rather than the two bedrooms and a first floor workspace shown previously. This is not considered to be a materially significant change to the development. Neither would it have an implication on the number of parking spaces provided on site to serve the development.
- 10.6 Local Plan Policy GEN 2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. As the buildings would be of the same size and in the same location as the approved buildings there would be no change to their impact in terms of shadowing and/or visual dominance. There would be a reduction in the surface area of fenestration to the side elevations of each building and a negligible increase in fenestration to the front and rear of each unit. At first floor level would be aluminium frame windows with glazed and opaque glazed panels. Accordingly it is not considered there would be any significant impact on privacy.
- 10.7 Conditions on the original consent requiring details of the hard and soft landscaping and site sections and levels have previously been discharged by letter. A condition requiring the landscaping to be carried out in accordance with the approved details is nevertheless recommended.
- 10.8 The ghosted island junction on Thaxted road and the site access have been completed and therefore a condition requiring details is no longer required.
- 10.9 Details regarding foul/surface water drainage and external lighting have been submitted in relation to Blocks A and B but not for the remainder of the site. There is no formal record of these being discharged and thus conditions are recommended such that the local planning authority have control over future development of the site.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposed variations to the approved scheme accords with the development plan and the NPPF, and no material considerations indicate that the application should be refused. It is therefore recommended that approval be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions:

1. The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing 539/003/Rev F in addition to the plans previously approved if not superseded unless agreed in writing by the local planning authority.

REASON: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

2. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the last building to be completed. Any trees or shrubs which within a period of 5 years from the date of planting die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

REASON: The landscaping of this site is essential in order to reduce the visual impact of the development hereby permitted in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005)..

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site whether externally or internally without the prior written permission of the local planning authority.

REASON: To avoid overdevelopment of the site in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. No business shall be carried out within the units hereby permitted and their associated curtilages other than by an occupant of the same unit.

REASON: To retain employment uses on the site in accordance with Policies E1 and E2 of the Uttlesford Local Plan (adopted 2005)

5. No units or combination of units in common ownership formed within the buildings hereby permitted shall be used or occupied other than:

(i) for a purpose or purposes falling within Class B1 of the Town & Country Planning (Use Classes) Order 1987 or;

(ii) as a mixed use within Classes B1 and C3 of the Town & Country Planning (Use Classes) Order 1987 for the person or persons carrying on or previously having carried on such use or/and any widow widower or dependants of such person or persons or as a residence for the officers or employees of a company or association carrying on such use and/or widow widower or dependants of such officer or employees.

REASON: To retain employment uses on the site in accordance with Policies E1 and E2 of the Uttlesford Local Plan (adopted 2005).

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the premises as permitted shall only be used for the activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity.

REASON: To retain employment uses on the site in accordance with Policies E1 and E2 of the Uttlesford Local Plan (adopted 2005).

7. The car parking, motor cycle and bicycle storage spaces, as approved, shall be hardened laid out and made available for use prior to the first occupation of the building to which they relate. Subsequently all these spaces shall be retained in perpetuity for parking purposes.

REASON: In the interests of the provision of adequate parking provision and highway safety in accordance with Policies GEN 1 and GEN 8 of the Uttlesford Local Plan (adopted 2005)..

8. Prior to commencement of any further development a scheme for the disposal of surface water and foul sewage must be submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details prior to occupation of any of the buildings marked.

REASON: To prevent surface water flooding both on- and off-site, in accordance with the National Planning Policy Framework and Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

9. Prior to any of the buildings marked BLOCK(S) C, D, E, F, G and H on the approved site plan being first occupied, details of the on-site lighting including security lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented solely in accordance with agreed details.

REASON: To safeguard the visual amenities of the area in accordance with the Policy GEN5 of the Uttlesford Local Plan (adopted 2005).

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APPENDIX 1

APPLICATION NUMBER UTT/1382/01/FUL - LIST OF CONDITIONS

C.2.1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission

REASON: in order to comply with Section 91 (1) and 92) of the Town and Country Planning Act 1990

C.3.3. The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing nos. 211/01/10B, 211/01/27, 211/01/28, 211/01/30, 211/01/31, 211/01/32, 211/01/21, 211/01/22, 211/01/23, 211/01/24, 211/01/25, 211/01/26 dated October 2002, received 24/10/02, in addition to those originally submitted which are not superseded, i.e. drawing nos. 211/01/02 and R1245/02, unless agreed in writing by the local planning authority.

REASON: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

C.4.1 No development shall take [place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscape details to be submitted shall include:-

- a) proposed finished levels (earthworks to be carried out)
- b) means of enclosure
- c) hardsurfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specification of species, sizes, planting centres, number and percentage mix
- f) location of service runs
- g) management and maintenance details

REASON: The landscaping of this site is essential in order to reduce the visual impact of the development hereby permitted.

C.4.2. all hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the last building to be completed. Any trees or shrubs which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation

REASON: The landscaping of this site is essential in order to reduce the visual impact of the development hereby permitted.

C.6.8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without

modification), no extensions or alterations shall be carried out (other than those expressly authorized by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.

REASON: To avoid overdevelopment of the site.

C.7.1 No development shall take place until cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the building, have been submitted to and approved in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours.

C.90A. No business shall be carried out within the units hereby permitted and their associated curtilages other than by an occupant of the same unit.

REASON: To retain employment uses on the site.

C.90B No units or combinations of units in common ownership formed within the buildings hereby permitted shall be used or occupied other than:

(i) for a purpose or purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or;

(ii) as a mixed use within Classes B1 and C3 of the Town and Country Planning (Use Classes) Order 1987 for the person or persons carrying on or previously having carried on such use or/and any widow widower or dependants of such person or persons or as a residence for the officers or employees of a company or association carrying on such use and/or widow widower or dependants of such officer or employees.

REASON: To retain employment uses on the site.

C.9.3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the premises as permitted shall only be used for the activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity.

REASON: To prevent harm to the character of the area.

C.90C No development shall take place until a scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority. Subsequently, the scheme shall be implemented as approved prior to first occupation of the site.

REASON: To prevent pollution.

C.90D No development shall take place until the ghosted island junction and other off-site highway works shown on drawing R1245/02 have been completed.

REASON: In the interests of highway safety.

C.90E The carriageway of the estate road and the footpath shown on drawing 211/01/10B shall be laid out and constructed up to and including at least base course level prior to the erection of any of the buildings hereby permitted and shall thereafter be retained in good repair until the final surface is laid. The final surface of the carriageway of the proposed

estate road and the footpath shall be laid within one year of the completion of the development hereby permitted.

REASON: In the interests of highway safety.

C.90G Prior to development commencing, details of the measures to be taken to provide disabled access and facilities for people with disabilities, including parking for each of the units shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be fully implemented prior to the units first being brought into use.

REASON: To secure adequate access facilities for the disabled.

C.90H Prior to any of the units being first occupied, details of the on-site lighting including security lighting shall be submitted to and agreed in writing with the local planning authority. The lighting shall be implemented solely in accordance with the agreed details.

REASON: To safeguard the visual amenities of the area.

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UTT/ 19/0427/FUL (Barnston)

Call in request by former Cllr Barker if to be approved:

- Reasons:
1. Overdevelopment with considerable increase in size of existing building
 2. Creation of a new stand-alone residence outside development limits
 3. Road safety - proposed access onto the B1008 (long gentle curve, high speeds, opposite junction with Bennetts Lane, restricted visibility)

Call in request by former Cllr Ranger if to be refused:

- Reasons
1. The council does not have a 5 year supply of housing land
 2. The location is sustainable and the dwelling would not be isolated
 3. There would not be any visual harm caused to the local area
 4. The proposal could be considered to be a sub-division of an existing dwelling. The outbuilding has been granted permission to be a residential annexe.
 5. There are no objections from Essex Highways over the use of the existing site entrance.

PROPOSAL: Change of use of residential outbuilding to single dwelling.

LOCATION: Haydens House, Onslow Green, Barnston.

APPLICANT: Mr C Kirby.

AGENT: Mr S Hayhurst.

EXPIRY DATE: 25 April 2019.

CASE OFFICER: Clive Theobald.

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site lies at the staggered junction of the minor roads leading to Onslow Green and North End (Bennetts Lane) respectively off the B1008 Chelmsford Road and comprises an irregular shaped parcel of enclosed land comprising 0.18ha which physically adjoins the dwelling known as Haydens House and contains a modernised single storey slate and black weatherboarded former agricultural building now used as an ancillary residential annexe to Haydens House following a grant of a certificate of lawfulness in 2014 and also a single storey weatherboarded and corrugated ancillary storage building which stand opposite each other onto a large interior hardstanding area.

2.2 The site is enclosed to all boundaries by trees and other vegetation, although a gated vehicular entrance exists onto the Chelmsford Road frontage, albeit this access is currently infrequently used. The site is also accessed informally to Haydens as host dwelling by way of pedestrian access via the rear garden of this

adjacent property.

- 2.3 Greenend Farm, comprising a listed farmhouse and barn courtyard containing three barns which have been converted to separate residential use under what is understood to be the prior notification procedure lies diagonally opposite the site just within Chelmsford City administrative area. Other properties lies at the corner of the road leading to Onslow Green opposite Haydens House.

3. PROPOSAL

- 3.1 This full application proposal seeks planning permission to change the use of the ancillary residential annexe to Haydens House to a single two bedroomed dwelling to include rooms in the existing roofspace utilising the existing vehicular access onto the B1008.
- 3.2 The overall footprint, volume and ridge height of the building as residentially converted would remain unchanged, although the existing fenestration of the building through conversion would have modified windows to the front (south-east) elevation with rooflights within the front roof slope. The existing ancillary building to Haydens House would be used jointly as storage and covered parking for the new dwelling, whilst the existing expanse of interior hardstanding area in between would be reduced in size and partly set to grass. A turning and additional on-plot parking area is shown to be provided, whilst the existing line of trees along the site's western boundary would be strengthened. A dedicated separate pedestrian path would be formed to the side of the new dwelling leading onto the Onslow Green road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal does not fall within the scope of Schedule 2 development for consideration of an EIA due to its small scale size.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a supporting planning statement (Stephen Hayhurst) which describes the background to the application with reference to the site's recent planning history, the proposed development, and the planning justification for the proposal with reference to the publication of the revised NPPF, public transport accessibility, government advice on the sub-division of existing dwellings within isolated locations and the re-use of redundant or disused buildings. the application site.
- 5.2 The statement concludes as follows:
- Although deemed by the appeal inspector not to be in a sustainable location, the application site is nevertheless well served by two regular bus services which stop within 40m of the site.
 - Because the site is also deemed to be 'not isolated' it must logically be a more desirable location for development than an 'isolated' site.
 - Yet paragraph 79 of NPPF2 enables certain forms of small scale residential development to be supported on 'isolated sites' because no limited harm would result.
 - This includes the subdivision of an existing residential dwelling and re-use of a disused building where it would enhance its immediate setting.
 - The proposed development fits into either of these categories, but would be more desirable than the development of an 'isolated site'.

- Therefore, the exceptions in paragraph 79 should apply with greater force to the application site.
- Although similar to the proposal that was recently considered at appeal, there are significant differences, and there was insufficient time between the publication of NPPF2 and the issuing of the appeal decision for the implications of revised paragraph 79 to be fully considered.

Therefore I would ask you to give this revised application sympathetic consideration.

6. RELEVANT SITE HISTORY

- 6.1 This site has an extensive planning history relating to the use of this former agricultural building as a converted residential annexe to Haydens House and subsequently for the proposed change of use of the outbuilding as so converted to a separate dwelling with its own residential curtilage. The most recent change of use of the annexe building to a separate dwelling, which also involved a side extension to the existing structure and construction of a new detached garage block to serve it involving demolition of the existing storage building was refused by the Council in 2017 under application ref; UTT/17/2275/FUL for the following stated reason:

“The proposed development would result in the introduction of a new dwelling located within a comparatively isolated position beyond development limits which would generate vehicle movements and a demand for local services in an unsustainable location reliant primarily on the motor car as a means of transport which would be contrary to the objectives of promoting sustainable patterns of development set out within the provisions of the NPPF, including reference to paragraph 55. Additionally, the development would represent an intensification of use of the site and would cause harm of significance to the particular rural character of the countryside within which it would be set. As such, the development would also be contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005) which seeks to protect the countryside for its own sake”.

- 6.2 The Planning Inspector in summing up the merits of the subsequent appeal for the application stated at paragraph 21 of his decision letter with regard to the planning balance that;

“Whilst I have found the appeal scheme would not harm the character and appearance of the area, I have found that the appeal site is not a sustainable location for a residential development. I accept the appeal scheme has benefits which include an aforementioned economic benefit, a contribution to an identified need for more 3 and 4+ bedroom homes, making better use of land already in residential use which is previously developed according to the definition in the Framework and the development of ‘small’ site in the terms of the revised Framework. However, the benefits are not so significant as to justify granting planning permission in light of the harm I have identified above, and, that harm would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole”.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside

ULP Policy H6 – Conversion of rural buildings to residential use

ULP Policy GEN1 – Access

ULP Policy GEN2 – Design

ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

UDC Emerging Local Plan

SP1 – The Presumption in Favour of Sustainable Development
SP3 – The Scale and Distribution of Housing Development
SP10 – Protection of the Countryside
H10 – Accessible and Adaptable Homes
D1 – High Quality Design
D2 – Car Parking Design
EN7 – Protecting and Enhancing the Natural Environment
EN10 – Minimising Flood Risk
C2 – Re-use of Rural Buildings

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”.

National Policies

National Planning Policy Framework

Other Material Considerations

Essex Design Guide
ECC Highways Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 The main objection to this proposal as far as the parish council is concerned is about access onto the B1008. This road was originally the A130 from Great Dunmow to Chelmsford which was downgraded to B road status following the duelling of the A120 and the establishment of the preferred route from the A120 to Chelmsford as via the A120 / A131 via Braintree.

After a long period after the construction of the new roads, local residents and Parishes along the old route campaigned for the then A130 to be downgraded in the forlorn hope that traffic might be reduced.

The route, although nominally a B road, still features as an Essex Strategic Trunk Route. In addition, this single carriageway road is still heavily used, not only that, but the level of traffic is increasing.

The application seeks to use an existing access onto the Chelmsford Road (B1008) at what is perhaps one of the most dangerous points along its length. It is opposite Bennets Lane and very close to the Onslow Green turning. Traffic at this point is travelling at the national speed limit or as several surveys have shown above it. There are bends in both directions 290m to the north west and 440m to the south east. There is a temptation for some drivers to take advantage of the relatively straight portion of the road to overtake. As a result, there have been several accidents at these junctions.

The Parish Council considers that this access, although extant, should not be used. Indeed the previous occupant of the property did not normally use this access and it remained unused for a considerable period of time.

9. CONSULTATIONS

Essex County Council Highways

- 9.1 The impact of the proposal is acceptable from a highway and transportation perspective subject to highway conditions.

Chelmsford City Council

- 9.2 No objections.

10. REPRESENTATIONS

- 10.1 Neighbour notification period expired 21 March 2019. 14 representations received (5 in support, 9 against). Advertisement expired – N/a. Site Notice expired 8 April 2019.

Support:

- The building structure and vehicular access onto the B1008 already exist, with the access having existed for many years;
- The building as residentially converted would not be particularly visible from the B1008;
- Three barns at Green End Farm situated diagonally opposite the site have been residentially converted in recent years;
- Have never witnessed an accident at the Onslow Green junction;
- The No.42a bus service represents a good country bus service.

Object:

- The current application is not materially different from the previously refused application and subsequently dismissed appeal under ref; UTT/17/2275/FUL.
- Proposal represents undesirable infill development within an otherwise loose collection of some twenty long-standing properties within generous grounds;.
- The applicant claims the latest application represents subdivision of an existing dwelling, but this is not so. This is a separate building in the grounds of a dwelling. Subdivision of the curtilage is materially different from subdivision of a dwelling. Several properties in Onslow Green each include several outbuildings spread over sites of multiple acres, yet clearly it would not be reasonable to claim that converting those outbuildings into new dwellings would represent the sub-division of the main dwelling. Clearly 'subdivision of a dwelling' has to mean that it is already physically connected.
- The applicant suggests that the appeals Inspector should have taken more notice of changes to national planning policy issued shortly before the appeal, yet the task of the appeal was to review the Council's decision in the context of policies in place at the time, so this is irrelevant.
- This stretch of road between Ford End and Barnston is seemingly the only "straight" stretch of road along the whole length of the B1008 and drivers often proceed without caution and overtake in dangerous situations. The curve in the road plus excessive speed makes exiting the side road on to the

- main road at Onslow Green hazardous.
- Traffic flows through this complex junction is heavy at certain times of the day with the commuter and school run traffic using the back roads as a rat-run between Felsted and High Easter and onto Harlow and the M11. The
 - B1008 is also well known for its heavy truck traffic as many use it as a short cut between the A12 and the M11 (despite the signage pointing to the new A120).
 - The vehicular access on to the B1008 has only ever been very lightly used. Applying for permission to separate the barn from Haydens as an independent building means this access would be in constant use and would seriously diminish road safety in this locality within close vicinity of a staggered junction. The fact that the vehicular access in question probably dates back to the days of "horse and cart" does not mean it is safe in today's traffic conditions.
 - Sight-lines at the end of this stretch of road are obscured by a significant bend to the right, although this is not obvious from a map, and a fall in the contours. The access to Haydens from the B1008 is but 100 odd metres from this bend.
 - Delivery vans with their online or retail parcels etc. will when delivering (the drivers of which are always under pressure of time) be stopping and pulling away using the slip road that runs along the front of both proposed pedestrian and vehicle entrances.
 - Access to and from the B1008 should be from Onslow Green as the main house does and not face directly onto the B1008 as proposed. We would also ask that the pedestrian access is not pursued.
 - The applicant claims that the location is sustainable because it is served by two bus services within 40m. That is factually incorrect and misleading. Only the 42A bus service stops at the bus stop in question and that service at less than one bus per hour on average is not compatible with a sustainable development. The other service referred to, the X30, does not stop at that location as it is an express service. The nearest X30 bus stop is in Barnston.
 - The applicant claims that Barnston is only 5 minutes away, but that timing is only possible by vehicle. To walk to Barnston is impractical as it is over a mile along a busy 60mph road with no pavement or verge.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (NPPF, ULP Policies S7, H1, H6 and GEN3)
- B Access (ULP Policy GEN1)
- C Design (ULP Policy GEN2)
- D Parking Standards (ULP Policy GEN8)
- E Impact upon residential amenity (ULP Policy GEN2)
- F Impact upon protected and priority species (ULP Policy GEN7)

A Principle of development (NPPF, ULP Policies S7, H1, H6 and GEN3)

- 11.1 The site lies outside development limits as defined by the Proposals Map for the adopted Local Plan and is located within the countryside for definition purposes. ULP Policy S7 therefore applies to the proposal which states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, including housing. The policy adds that development will only be permitted if its

appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found to be broadly consistent with the NPPF in terms of its aims and objectives through an independent review to test the soundness of the Local Plan against the provisions of the NPPF, albeit that the NPPF takes a more proactive stance towards appropriate new development within the countryside, including housing, whereby Policy S7 takes a more protective stance and which has been found during recent planning appeal decisions to carry modest weight in decision making as a “saved” Council local plan policy.

- 11.2 UDC Policy H6 of the adopted plan, however, allows for the re-use of rural buildings for separate residential use subject to compliance with specified criteria relating to the building conversion. However, Policy H6 is inconsistent with the NPPF in terms of its specific requirements as a housing policy given that the Council does not have a 5 year housing supply whereby in accordance with paragraph 213 of the NPPF only limited weight can be afforded to this policy. However, that said, the existing outbuilding appears to be structurally sound through modernisation over recent years that would be capable of residential conversion.
- 11.3 Paragraph 11 of the NPPF as revised sets out a presumption in favour of sustainable development. The core principles of the NPPF identify the three overarching objectives of sustainable development; namely the economic objective, social objective and environmental objective. The NPPF specifically states that these objectives are independent of each other and “need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”.
- 11.4 Paragraph 11 of the NPPF also states that for decision taking on planning applications that this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the tilted planning balance).
- 11.5 The appeal inspector for refused application UTT/17/2275/FUL for the change of use of the existing annexe outbuilding at this site to form a new dwelling determined that there were two main issues: first, whether the proposed development would represent sustainable development in respect of its location; and second, the effect of the development on the character and appearance of the area. On the second issue the inspector found that the submitted scheme would not harm the character and appearance of the area. However, on the first issue he concluded that it would not be a sustainable development in terms of location.
- 11.6 In paragraph 6 of his decision letter the inspector stated that *‘Paragraph 55 of the Framework identified by the Council in their reason for refusal has since been replaced by content in the revised Framework. The revised Framework contains broadly comparable content which states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that the development of isolated homes in the countryside should be avoided’.*

- 11.7 To help achieve sustainable development paragraph 78 of the NPPF encourages the provision of housing ‘where it will enhance or maintain the vitality of rural communities’. Paragraph 79 on the other hand opposes the development of ‘isolated homes in the countryside’. But this is subject to five exceptions. Four of these exceptions are re-writings of the criteria of paragraph 55 of the original NPPF (NPPF1). But sub-paragraph (d) is completely new. This exception applies where ‘the development would involve the subdivision of an existing residential dwelling’.
- 11.8 It could be argued that paragraph 79 is irrelevant to this case because the inspector concluded in paragraph 8 of his appeal letter for application UTT/17/2275/FUL that the site is not isolated. Having regard to the judgement in Braintree DC v SoS & Granville Developments [2017] EWHC 2743 (Admin) whereby the appeal inspector’s judgement for that now commonly cited case that the site was not isolated given the ordinary objective meaning of this word, the same judgement can equally be applied for the current application site where the site is neither isolated nor remote, but within a small cluster of dwellings along the B1008. Nevertheless, paragraph 79 is a material consideration.
- 11.9 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas by encouraging development within existing settlements. By contrast, paragraph 79 generally opposes homes in isolated or remote locations, but not altogether. It lists the five exceptions as referred to above, so that even though isolated development is something that should generally be avoided, it can be acceptable if it meets the requirements of one of the exceptions. This is presumably to allow some minor development in isolated rural areas, the implications of which in sustainable development terms are likely to be minimal.
- 11.10 It is a moot point as to whether the wording of paragraph 79(d) is meant to imply the *physical* sub-division of an existing residential dwelling (where in the past the Council has granted planning permission for the physical sub-division of one dwelling into two in the countryside whereby the existing attendant single garden would also be physically divided into two and where the resulting rural harm would not be significant) or if the meaning is intended to extend to circumstances involving an ancillary outbuilding within the curtilage of an existing dwelling which has close association with the host dwelling as is the case with the current application site where it is contended by the applicant that the residential curtilage of the main dwelling at Haydens House comprises a single unit of occupation or ‘planning unit’, the lawful use of which is as a single residential dwelling following the issue of a Certificate of Lawfulness for an Existing Use or Development by the Council for the use of the large outbuilding to be used as a “residential annex ancillary to the main dwelling (UTT/14/0067/OP). It logically follows from this that the change of use of the large outbuilding to a separate self-contained dwelling would constitute the ‘subdivision of an existing dwelling’ if this latter stance is taken.
- 11.11 Notwithstanding this, the creation of the additional residential unit as proposed would not give rise to any significant rural amenity harm as previously stated given the enclosed nature of the site to the wider countryside beyond, particularly given the fact that the current revised application now is for conversion only and does not involve an extension to it as was the case for refused application UTT/17/2275/FUL and thus would have less visual impact on the immediate locality accordingly than previously. This would chime with the third exception of paragraph 79 of the NPPF which supports the development of isolated homes in the countryside where ‘the development would re-use redundant or disused buildings and enhance its immediate setting’. As has already been said, however, the site is not isolated, notwithstanding that the site currently has an active use, whilst the site represents

previously developed land.

- 11.12 The site is located immediately adjacent to the Onslow Green request bus stops for the No.42 and 42A Galleywood to Stansted Airport bus service which operate an hourly bus service Mondays to Saturdays and a restricted two hour bus service on Sundays. In addition, Route X30 which is an express “pier to air” service from Southend to Stansted Airport operates along the B1008 whereupon the Council understands that it is possible to flag down this service from the same bus stops as is the case it is further understood at Ford End further along the B1008 outside the district, notwithstanding the comments from a third party who is opposed to the application that it does not. As such, it is considered that the site is well served by public transport in comparative terms to many other rural areas of the district.

B Access (ULP Policy GEN1)

- 11.13 The new dwelling would be served by the existing vehicular access onto the B1008 Chelmsford Road as with previously determined application UTT/17/2275/FUL for a dwelling at this site. Whilst there has been some discussion within the previously determined applications concerning the legitimacy of this access and how this should be seen in the context of the existing residential annexe, it was the case nonetheless that ECC Highways did not object on highway grounds to application UTT/17/2275/FUL who have similarly not objected to the current planning application for conversion of the annexe to a separate dwelling
- 11.14 Whilst the comments from objecting third parties relating to the adequacy of the existing vehicular access from the site onto the B1008, its intensification through the proposal and also the general nature of traffic using this fast moving stretch of the B1008 through the staggered crossroads have been noted (where these comments are essentially repeated from previously determined applications UTT/17/1309/FUL and UTT/17/2275/FUL for this site), it would be difficult for the Council to sustain an objection to the proposal on highway safety grounds without the support of ECC Highways who have fully appraised the highway aspects of this revised proposal. No objections are therefore raised under ULP Policy GEN1.

C Design (ULP Policy GEN2)

- 11.15 The new dwelling through building conversion would appear the same as the existing residential annexe in terms of its built form, scale and appearance but for changes to the building's fenestration, whilst no alterations are proposed to the existing store and garage block. The dwelling would have a generous private garden amenity space of approximately 650sqm, the majority of which would not be overlooked and which would be considerably in excess of the 50sqm minimum private amenity space required for a 2 bedroomed dwelling as proposed by the application. No design objections are therefore raised under ULP Policy GEN2.

D Parking Standards (ULP Policy GEN8)

- 11.16 Parking for the new dwelling is shown in the form of both existing covered parking and new hardstanding parking. A minimum of 2 no. parking spaces would be required for the dwelling as a 2 bedroomed unit under adopted parking standards and this would be able to be achieved at the site in addition to visitor parking. No objections are therefore raised under ULP Policy GEN8.

E Impact upon residential amenity (ULP Policy GEN2).

- 11.17 The rear elevation of the residential annexe building as converted to a separate dwelling would not contain any windows at first floor level, i.e. there would not be any first floor flank windows or rear facing rooflights. As such, there would not be any loss of privacy by reason of overlooking into the existing rear garden of the donor dwelling, Haydens House. No other residential amenity issues would arise and no objections are raised under ULP Policy GEN2.

F Impact upon protected and priority species (ULP Policy GEN7)

- 11.18 The site comprises mainly hardstanding areas with vegetated boundaries, although a pond stands onto the site's northern boundary behind the annexe outbuilding. A protected species survey (Essex Mammal Surveys) accompanies the application which has assessed the habitat value for protected species at the site and whether protected species are present.
- 11.19 The report of survey findings states that there is no curtilage vegetation affected by the proposed scheme that might be colonised by bats and that no evidence of their presence was found at the site. The report adds that regular human disturbance and also the modern secure nature of the building to be converted which contains large windows means that the building itself is not suitable for bat colonisation and similarly that no bats were found within it meaning that no further surveys for this species are required. This situation also applies to barn owls. The report additionally states that the large expanse of hardstanding area within the site and adjacent managed lawn means that there are no features that might be attractive to basking by reptiles and that there is no suitable habitat nearby from which the site could be so colonised by this species. The report of findings concludes by saying that the pond which stands to the rear of the building did not contain any Great Crested Newts at the date of survey which, it is understood, regularly dries out and that additionally it is unlikely that the site presents as a terrestrial dispersal habitat for this species given that the majority of the site area surrounding the pond is subject to some form of mowing/management and where all features such as vegetation around the pond are proposed to be retained.
- 11.20 Given the findings and conclusions of the report, it is considered that the proposal would not have a harmful effect on any protected or priority species at the site and no objections are raised under ULP Policy GEN7. The report recommends that night scented plants that attract insects for foraging bats as listed in the report be encouraged to be planted and this biodiversity enhancement recommendation can be incorporated into any landscaping condition or as a specific condition.

12. CONCLUSION

- 12.1 It is considered that the proposal to change the use of this sizeable residential annexe to Haydens House to a separate dwelling at this small rural settlement location but which is not isolated by definition whereby the site is within immediate walking distance of bus stops along the B1008 would comply with the revised National Planning Policy Framework and relevant adopted local plan policies in the tilted planning balance and is acceptable for the reasons as set out in this report. The relevant policies contained within the Council's emerging local plan carry limited weight at this time given that the local plan has yet to be formally approved by the Secretary of State.

The following is a summary of the main reasons for the recommendation:

- A** The principle of the proposed development is considered acceptable.

- B** Indicated access arrangements are acceptable where no highway objections have been raised to the proposal by ECC highways subject to highway conditions.
- C** The design of the building conversion is acceptable.
- D** The proposal would meet adopted parking standards.
- E** The proposal would not have a harmful impact on residential amenity.
- F** The proposal would not have a harmful impact on protected or priority species.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained,
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: To ensure that the impacts of the development on the amenities of the locality can be properly ameliorated by way of an acceptable landscaping scheme as the application does not give full details.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. The proposed development shall not be occupied until such time as the vehicle parking and turning area as indicated on the approved plans has been provided. The vehicle parking and associated turning area shall be retained in this form at all times.

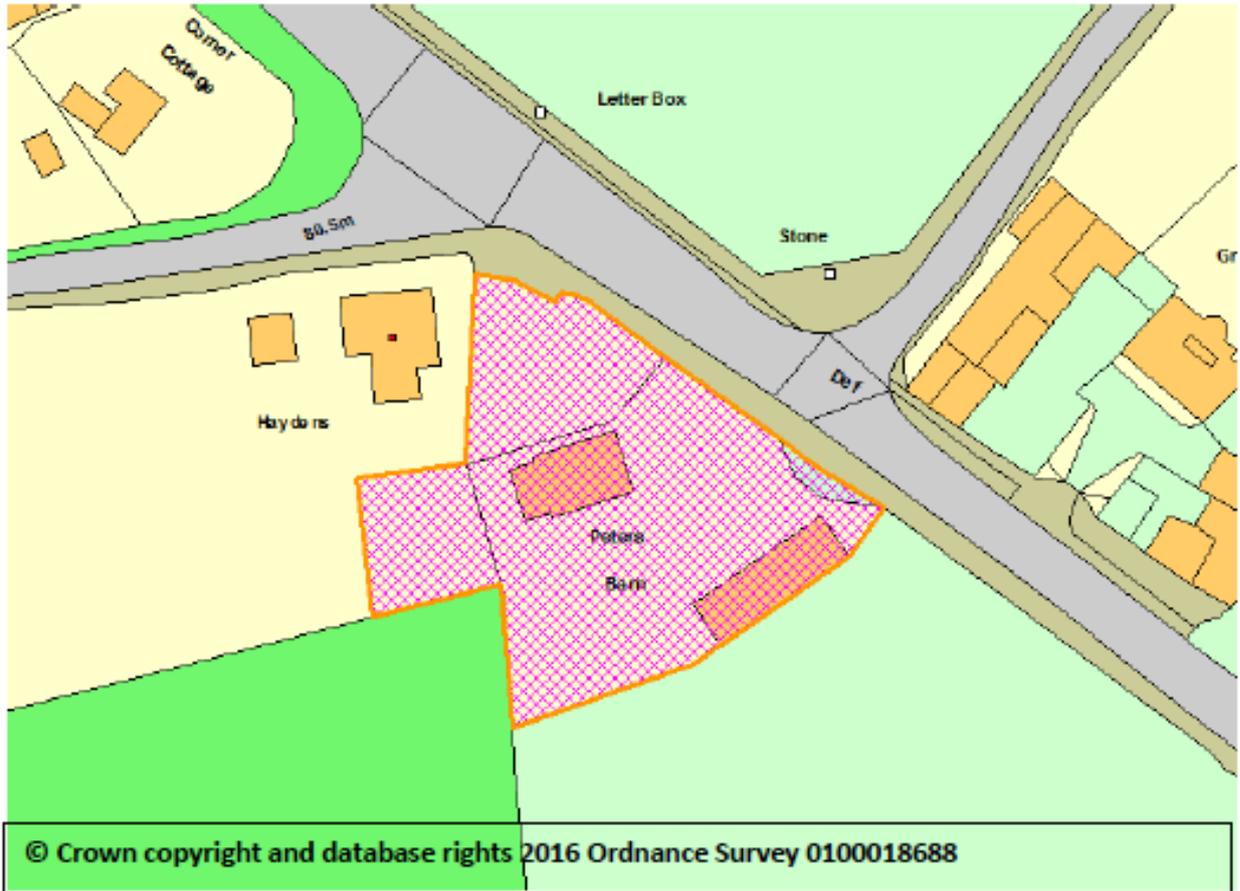
REASON: To ensure that vehicles can enter and leave the highway in a forward gear and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of the dwelling, the existing vehicular access onto the B1008 shall be properly hardened and formed at right angles to the highway with provision of an appropriate dropped kerb.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Any additional landscaping for the development hereby approved shall also include night scented plants that attract insects for foraging bats as a biodiversity enhancement feature for the site as recommended and listed at Appendix 1 of the Protected Species Survey prepared by Essex Mammal Surveys accompanying the application.

REASON: To encourage foraging by bats at the site in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council
Department: Planning
Date: 05 July 2019

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UTT/19/0514/HHF (GREAT CHESTERFORD)

Relative of former Councillor

PROPOSAL:	Proposed boundary fence and gate
LOCATION:	Wearns Folly, 9 Carmen Street, Great Chesterford CB10 1NR
APPLICANT:	Mrs Lorna Rolfe
AGENT:	N/a
EXPIRY DATE:	7.6.19 (Extension of time 27.6.19)
CASE OFFICER:	Rosemary Clark

1. NOTATION

- 1.1 Within Development Limits, Conservation Area, curtilage of Listed Building

2. DESCRIPTION OF SITE

- 2.1 The application site comprises an area of land to the side/rear of the property known as Wearn Folly in Carmen Street. It includes a driveway that gives vehicle access to the extended part of the rear of Wearn Folly. The area of garden is adjacent to the playing field of the primary school to the rear and the access that leads to the field. It is to the rear of Barcroft which is also a Grade II Listed property. Hills Cottage is situated to the north-west of the site.

3. PROPOSAL

- 3.1 This application relates to the proposed erection of a boundary fence and gates to enclose this area of garden which is currently open to the south and north-west with chainlink fencing to the area adjacent to the playing field.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 N/a

6. RELEVANT SITE HISTORY

- 6.1 None relevant

7. POLICIES

7.1 National Planning Policy Framework

Uttlesford Local Plan (2005)

7.2 S3 – Within Development Limits
ENV1 – Development affecting the Conservation Area
ENV2 – Development affecting the character and setting of a listed building
GEN2 - Design

Supplementary Planning Documents/Guidance

7.3 N/a

Other Material Considerations

7.7 Uttlesford Emerging Local Plan –
The Following policies are relevant regarding this proposal, however until the plan is adopted little weight can be given to them –
SP9 – Development within Development Limits
D1 – High Quality Design
EN2 – Design of Development within Conservation Areas
EN4 – Development affecting Listed Buildings

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council raised concerns regarding the location of the proposed fencing and land ownership. They have been re-consulted following the submission of revised plans. Expires 12.6.19 – No further comments received

9. CONSULTATIONS

9.1 N/a

10. REPRESENTATIONS

10.1 6 Neighbours consulted and re-consulted following revisions – Expires 12.6.19 – No responses received

11. APPRAISAL

The issues to consider in the determination of the application are:

A Whether the proposal is acceptable in design respecting the scale and appearance of the dwelling house (S3, GEN2)

B Whether the proposal would be harmful to the character and setting of the listed building and Conservation Area (ENV2 and ENV1)

C Whether the proposal would affect Highway Safety (GEN8)

A Whether the proposal is acceptable in design respecting the scale and appearance of the dwellinghouse and locality

- 11.1 The site is situated within the development limits for Great Chesterford, therefore the principle of modest development are acceptable in accordance with ULP Policy S1.
- 11.2 Local Plan Policy GEN2 indicates that development should respect the appearance of the existing dwelling with regard to size, design and appearance.
- 11.3 The proposed fencing that relates to the garden area of Wearn's Folly is situated behind the dwelling house known as Barcroft and is grade II Listed as is the host dwelling. The garden area to which this application refers is adjacent to a modern extension that includes an open car port. The fencing would be 1.83m high and similar in height and appearance to the fencing that surrounds the property to the north Hills cottage. Whilst it would be preferred to use more traditional fencing due to the location behind the listed buildings and not visible from the road, in this instance it is considered it would be unreasonable to refuse the application on appearance. The gates again being of solid appearance would usually be resisted within the curtilage of a listed building, however, in this instance the area that the boundary treatment would enclose is not visible from the highway and would have minimal impact on the character or setting of the listed buildings in the vicinity. It is therefore considered that the proposal is acceptable and complies with ULP Policy GEN2

B Whether the proposal would be harmful to the character and setting of the listed building and Conservation Area

- 11.4 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the fabric, character and the setting of listed buildings from development, which would adversely affect them. This policy reflects the thrust of the statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently extensions and alterations to listed buildings are strictly controlled to fulfil the requirements of the Act.
- 11.5 The site is also situated within the Conservation area of Great Chesterford, whereby ULP Policy ENV1 would apply. This policy aims to allow development that would enhance or preserve the character and appearance of the Conservation Area.
- 11.6 As mentioned in the above, due to the nature and location of the proposals it is considered that the character and the setting of the listed buildings and conservation area would not be unduly harmed as a result of the proposed boundary treatment. The proposal therefore complies with ULP Policy ENV1 and ENV2.

C Whether the proposal would affect Highway Safety (GEN8)

- 11.7 Carmen Street is designated as an unclassified road. The proposed gates would be situated some 10m back from the road. The driveway is currently used for vehicular access to the property and providing any gates are inward opening there would no adverse impact on highway safety as a result of this proposal. It therefore complies with ULP Policy GEN8.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposed fencing is acceptable in terms of design and complies with ULP Policy GEN2, ENV1 and ENV2
- B** The proposed fencing due to its location would not be harmful to the character and setting of the Listed Building or appearance of the Conservation Area
- C** The proposal would not adversely impact highway safety.

RECOMMENDATION – APPROVAL WITH CONDITIONS

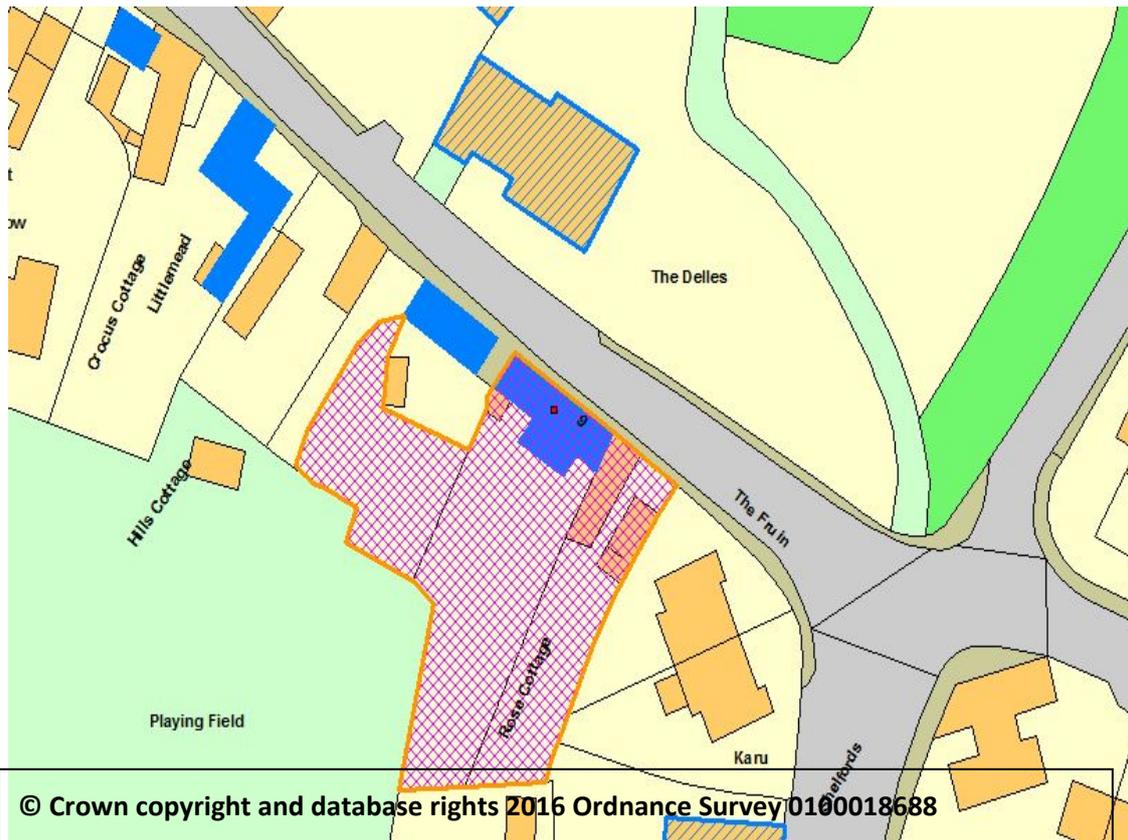
Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The gates hereby approved for vehicular access shall be set back by a minimum of 6m and be inward opening.

REASON: In the interest of Highway Safety in accordance with ULP Policy GEN8

Application: UTT/19/0514/HHF

Address: Wearn's Folly, 9 Carmen Street Great
Chesterford CB10 1NR



Organisation:	Uttlesford District Council
Department:	Planning
Date:	2.7.19

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Committee: Planning

Agenda Item

Date: 24 July 2019

[?]

Title: UTT/19/0391/FUL: Application to vary Conditions 2 (schedule of Plan) and 3 (hard and Soft Landscaping Works) of UTT/16/1574/DFO to allow amendment to bund. Land at Bury Water Lane, NEWPORT

Author: Nigel Brown
Development Manager

Summary

1. The above planning application was reported to Planning Committee 26 June 2019. The application report (appended) recommended the matter for approval subject to conditions.
2. Members resolved to refuse planning permission for reasons of visual impact, impact on neighbouring properties, and concerns over the delivery of useable public open space.
3. The purpose of this report is not to re-open discussions on the matter but to clarify the reason for refusal.

Recommendations

That Planning Committee confirm the resolution from Committee of 26 June 2019 to REFUSE planning application reference UTT/19/0391/FUL for the following reason:

1. The proposed variations to the bund, due to its form, location and size would be out of character with the planned estate and the general area, and would cause demonstrable harm to the reasonable occupation and enjoyment of the occupiers of adjacent properties and the general area contrary to Policy GEN 2 of the Uttlesford Local Plan 2005.
2. The proposed alterations to the bund would detract the quality of the open space provided as part of the general development and therefore would be contrary to Policy ENV3 of the Uttlesford Local Plan 2005.

Financial Implications

1. None. There are no costs associated with the recommendation.

Background Papers

Impact

1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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UTT/19/0391/FUL (NEWPORT)

(Referred to Committee by Cllr Gerard. Reason: Contrary to Policy GEN4 and possibly also GEN6 and ENV12)

PROPOSAL: Application to vary conditions 2 (Schedule of plans) and 3 (Hard and soft landscaping works) of UTT/16/1574/DFO to allow amendment to the bund

LOCATION: Land at Bury Water Lane, Newport

APPLICANT: CALA Homes (NHC) Ltd

EXPIRY DATE: 28 June 2019

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located to the north of Bury Water Lane, Newport. It comprises an ongoing residential development of 84 dwellings.

3. PROPOSAL

3.1 The application is for the variation of conditions on the Reserved Matters approval for the development, in order to facilitate an amendment to the design of a landscaping bund in the western part of the site.

3.2 Condition 2 and 3 of Reserved Matters approval UTT/16/1574/DFO specified the approved drawings for the development and its landscaping. The application therefore proposes to substitute drawings to reflect an increase in the bund height from 1.5 to a maximum of approximately 3 metres, although the exact measurement varies at different points.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Covering letter

6. RELEVANT SITE HISTORY

6.1 Outline planning permission for the development was granted in 2013 (UTT/13/1769/OP) and the Reserved Matters were approved in 2016

(UTT/16/1574/DFO).

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.4 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.5 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV5 – Protection of Agricultural Land
ENV12 – Groundwater Protection
ENV15 – Renewable Energy
H1 – Housing Development
H3 – New Houses within Development Limits
H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.6 The Essex Design Guide

National Policies

- 7.7 National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG)

Other Material Considerations

- 7.8 Emerging Local Plan
- The Spatial Vision
 - SP 1 The Presumption in Favour of Sustainable Development
 - SP 2 The Spatial Strategy 2011-2033
 - SP 3 The Scale and Distribution of Housing Development
 - SP 9 Development Within Development Limits
 - SP 12 Sustainable Development Principles
 - H 1 Housing Density
 - H 2 Housing Mix
 - H 6 Affordable Housing
 - H 10 Accessible and Adaptable Homes
 - TA 1 Accessible Development
 - TA 2 Sustainable Transport
 - TA 2 The Provision of Electric Charging Points
 - TA 3 Vehicle Parking Standards
 - TA 4 New Transport Infrastructure or Measures
 - INF 1 Infrastructure Delivery
 - INF 3 Health Impact Assessments
 - INF 4 High Quality Communications and Super-Fast Broadband
 - D 1 High Quality Design
 - D 2 Car Parking Design
 - D 8 Sustainable Design and Construction
 - D 9 Minimising Carbon Dioxide Emissions
 - EN 7 Protecting and Enhancing the Natural Environment
 - EN 10 Minimising Flood Risk
 - EN 11 Surface Water Flooding
 - EN 12 Protection of Water Resources
- Emerging Newport, Quendon and Rickling Neighbourhood Plan

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- Loss of privacy at Plots 42 and 62-65
- Loss of views to the surrounding countryside
- Increased wind speed and tunnelling effect along the road
- Unsafe slopes due to steep 1:3 gradient
- Reduced accessibility to the green space
- The maximum bund height is not specified

9. CONSULTATIONS

Lead Local Flood Authority (Essex County Council)

9.1 No objections.

Environmental Health

9.2 No objections. Marginal benefits in relation to noise attenuation and reduced air pollution associated with the export of material.

Ecological Consultant (Place Services)

9.3 No objections.

London Stansted Airport

9.4 No objections.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have been raised among the submitted representations:

- 1) Loss of privacy at neighbouring properties
- 2) Loss of daylight at neighbouring properties
- 3) Overbearing impact on neighbouring properties
- 4) Loss of views to the surrounding countryside
- 5) Increased wind speed and tunnelling effect along the road, including associated movement of debris
- 6) Risk to safety from steep slopes, larger footprint and increased height
- 7) Reduced accessibility to the green space
- 8) Reduced security of neighbouring properties
- 9) The only rationale is to reduce costs associated with the export of material
- 10) There would be no improvement with respect to noise attenuation

10.2 The following comments are made in relation to the above points:

1) – 3) Covered in the below appraisal.

4) Not a material consideration, although the effect on the character of the area is covered in the below appraisal.

5) It is considered that any effect on wind speeds is likely to be marginal, and therefore not a reason to refuse the application.

6) The developer has a responsibility to ensure that the bund is constructed safely, without causing land stability issues. No slope would be steeper than 1:3.

7) The bund is not designed as an open space with direct public access.

8) It is considered that there would be no significant reduction in security at neighbouring properties

9) Potential cost savings for the developer do not represent a material consideration.

10) It is considered that there would be no significant improvement with respect to noise attenuation.

11. APPRAISAL

The issues to consider in the determination of the application are (relevant policies in brackets):

- A Character and appearance (S7 & NPPF 170)
- B Amenity (GEN2 & NPPF 127)

A Character and appearance (S7 & NPPF 170)

- 11.1 The increased height of the bund would result in a greater visual impact on the surrounding area. However, it would also have a more effective screening effect between the urban residential development and the countryside to the west. Overall, it is considered that the proposed amendment would not cause any additional harm to the character of the area, such that there is no conflict with the above policies.

B Amenity (GEN2 & NPPF 127)

- 11.2 The proposed bund is not designed as an open space with direct public access. Nevertheless, it is acknowledged that occasional informal use could occur, and that the elevated vantage point on the plateau could give rise to a loss of privacy at neighbouring properties.
- 11.3 Most of the affected windows would be on the non-private front walls of houses and, in any event, the effect would not be significantly different compared with the approved 1.5m bund – for example, the height of the bund opposite Plot 63 would be approximately 2.2m. Furthermore, it is considered that the 23.5m separation distance between the plateau and the garden boundary of Plot 42 ensures that there would be no significant loss of privacy. By way of comparison, it is noted that the non-adopted but useful guidance in The Essex Design Guide recommends a 25m separation between rear windows that directly face each other.
- 11.4 It is considered that the submitted site section drawings demonstrate that there would be no significant harm to the living conditions of neighbours from a loss of daylight or an overbearing impact. It is therefore concluded that there would be no conflict with the above policies insofar as they relate to amenity.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposed amendment to the bund would not cause conflict with the development plan or the NPPF, and no material considerations indicate that the application should be refused. It is therefore recommended that approval be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. **CONDITION 1 UNCHANGED:**

Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented using the approved materials.

Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

2. CONDITION 2 AMENDED AS FOLLOWS:

The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule, as updated by the following:

- Landscape Masterplan (Drawing No. L1041-2.1-1000 P6)
- Sections Plan Rev F
- Sections to Bund 01 Rev F
- Sections to Bund 02 Rev F

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. CONDITION 3 AMENDED AS FOLLOWS:

All hard and soft landscape works shall be carried out in accordance with the approved details, as updated by the following:

- Landscape Masterplan (Drawing No. L1041-2.1-1000 P6)
- Sections Plan Rev F
- Sections to Bund 01 Rev F
- Sections to Bund 02 Rev F

The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

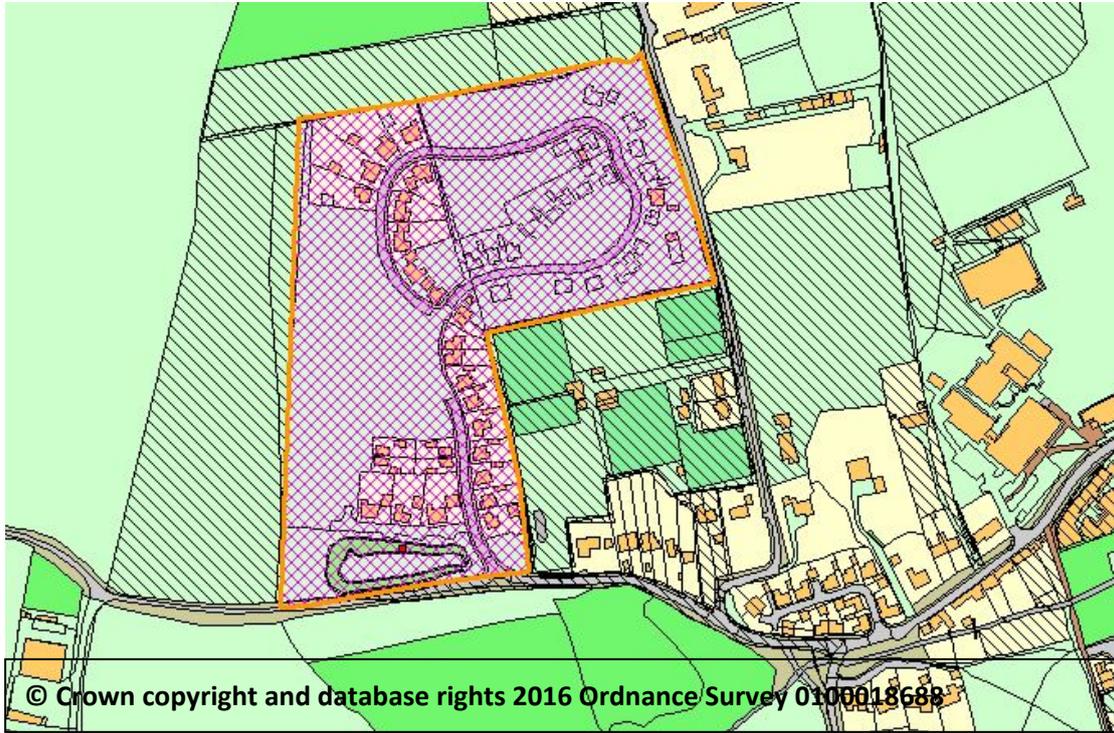
4. CONDITION 4 UNCHANGED:

If within a period of 5 years from the date of planting the tree or hedgerow (or any tree or hedgerow planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or hedgerow of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or hedgerow unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/19/0391/FUL

Address: Land at Bury Water Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 11/06/2019

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